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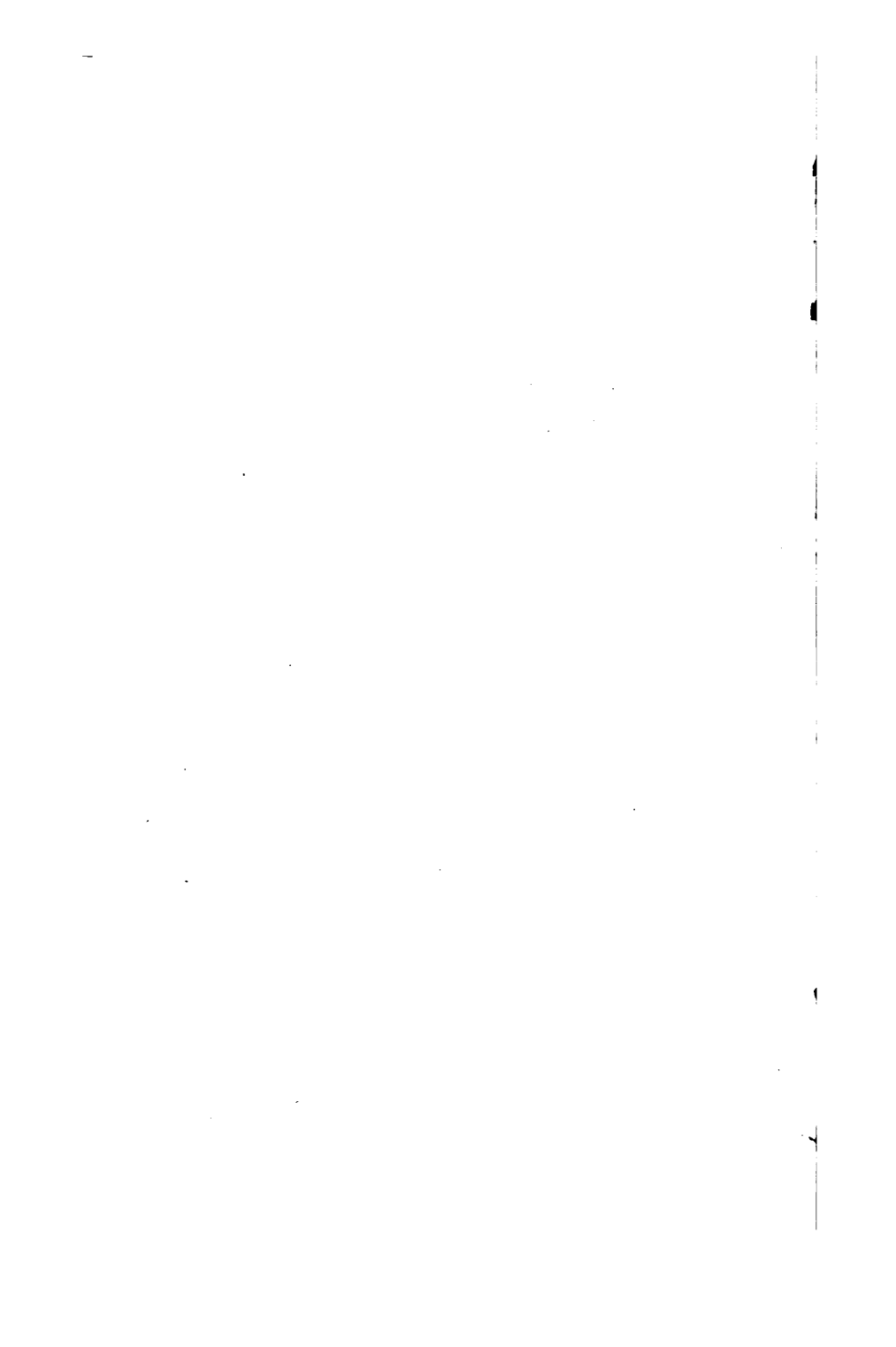
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Clear the track, I am bound for the Law,
And not in want of any of your Jaw.

I have got the start, have been and got through,
And what is better, I have gained my cause too.

A
COLLECTION
OF
USEFUL, INTERESTING,
AND
REMARKABLE EVENTS,
ORIGINAL AND SELECTED,
FROM
ANCIENT AND MODERN AUTHORITIES.

By LEONARD DEMING.

*"Gather up the fragments that remain, that
nothing be lost."* SACRED WRIT.

MIDDLEBURY:
J. W. COPELAND, Printer.
1825.

2200. 32



Denny fund

DISTRICT OF VERMONT, to wit:

BE IT REMEMBERED, That on the twenty third day of March, in the forty-ninth year of the Independence of the United States of America,

***** LEONARD DEMING of the said District, hath deposited in this office, the title of a book, * L. S. * the right whereof he claims as author, in the ***** words following, to wit:—"A Collection of

Useful, Interesting, and Remarkable Events, Original and Selected from Ancient and Modern Authorities. By LEONARD DEMING. 'Gather up the fragments that remain, that nothing be lost.'—Sacred Writ." In conformity to the act of the Congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of maps, charts, and books to the authors and proprietors of such copies, during the times therein mentioned."

JESSE GOVE,

Clerk of the District of Vermont.

A true copy of record, examined and sealed by me,

J. GOVE, Clerk.

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INTRODUCTION.

WHENEVER a new publication is presented to the public, it is very common for the author to make some excuses by way of introduction; but when a *new author* issues a publication, the general inquiry is, "Who is this author? or what is his object?" The present inquiry will be, Who is this *Leonard Deming*, or where does he belong, without any L. L. D.—D. D.—A. M.—or even A B., or any other letters in the alphabet, or any titles, which usually follow the names of authors, attached to his name; and what is his object in publishing this book? The first part of the question may be answered by saying, he was born in the town of Canaan, State of Connecticut, in 1787. In March, 1789, his father (John Deming) removed to Middlebury, State of Vermont, with his family, consisting of a wife and two sons, of which, the present author is the youngest. In 1794, his father removed nine miles south, to Salisbury; and being unfortunate in business, he removed back to Middlebury, (the county town) in 1807, where he lived till 1814—then removed to Crown Point, N. Y. and there died, in July, 1815. The present author set up the blacksmithing business in Middlebury, in 1810. In 1815, his health not being good, he accepted the office of constable for that year. In 1819 and 1820, he was appointed constable and collector for the town, and, as is frequently the case, had to pay a number of debts for other persons; and also saw some of the iniquity practised in our courts of law. In the spring of 1820, he, supposing that he had a lawful right to buy property on such conditions as it was offered, and to sell the same for a greater price in case it should be offered, was induced to purchase 292 hens' eggs, at ten cents per dozen, according as they were offered him, and sell the same at twelve and a half cents per dozen according as he was offered for them; but the buyers being merchants, and men of influence, they supposed the author, being poor, did not possess that right, and therefore commenced a suit against him; and the Courts having indirectly decided that he did not possess the right which he claimed, he was induced to publish a history of the case; and many persons having expressed their belief that that history would pre-

vent some law-suits, the author has concluded once more to intrude upon the public, by giving them a history of that, and some other singular and expensive law-suits which have been tried in this and other countries.

The author does not, nor cannot boast of any very eminent men among his ancestors for several generations back; but, as yet, they have all, to the latest generations, so conducted themselves as to keep clear of the state's prison and the gallows; though, perhaps this could not be said, if each one had his due.

It is often the case in buying books, that the author's name is sufficient to induce a person to purchase, and it is sometimes a good criterion to judge by; but to say that any person's writings are *all* good, would be saying too much—so on the other hand, to say that we will not read a book, because not written by a noted author, would be saying that we will not give a person a chance to improve in his writings; but this work being, the greatest part of it, selected, I hope the name of it's author will not prevent its being read.

I have long been of the opinion that there were more law-suits in our country than what was necessary; but how to prevent them, is a question not easily answered. I, for one, am fully of opinion that the evil may be remedied by various ways.—The best way is, for every one to *do as he would be done by*, and never resort to the law till every other means have been tried and proved ineffectual. Never commence a law-suit with any person who resists or disputes your claim against him, if you can satisfy yourself that he does according to his best discretion and honest judgment, in resisting it, for you may be mistaken as well as *he*.

Ever since I have been in the habit of attending Courts and viewing the transactions there, the sophistry and art used to cover the defects of a bad cause, the false coloring given to transactions, by witnesses, I have been well convinced, that if there was no law to collect debts contracted after a certain time, it would be an immense benefit to the country; it would prevent some false swearing, and an unaccountable amount in needless cost.

It is to be hoped, however, that our country has not yet got so corrupted as some older countries; nevertheless, perjury has been committed in our own country. A young man, the son of a wealthy gentleman in Eng. went to live in London. In a short time he was presented with a note, signed with his

name, to a large amount, for payment. The young man denied making the note, and a suit was commenced against him. He went to an attorney for assistance. The attorney agreed to clear him for a given sum, which was agreed to. The attorney gave the young man directions how to proceed; he must in the first place admit, in Court, the making of the note, and leave the rest to his attorney. The young man thought that a strange mode of proceeding, but did as his attorney directed him. The attorney then produced witnesses which fully showed that the note had been paid in full, but not taken up. The young man got clear and left the place, not liking London fashions. Thus it is evident, where there are law-suits, the crime of perjury may be committed.

It may be said, and with some propriety, that debts would not be paid if there was no law to collect them.—Debts would not be made so frequently if there was no law to collect, as they are now; but those that were contracted, would be more punctually paid; not only so, a poor person would not be so apt to purchase articles that were not necessary if he had to pay for them down, because he would find necessary articles enough to purchase. I do not think it is doing a poor man a kindness to trust him a few dollars worth of property, and then make him a large bill of cost in collecting it. It may be said that the poor would sometimes suffer, for no one would trust them. I ask, where is the difference between trusting and losing it, or giving in the first place?—The difference is in favor of the latter; for if you give, you make your calculations accordingly; but if you trust, and make your calculations to have pay, and do not receive it, you may involve yourself in embarrassments. There are many men in our country, who are supposed to be in good standing, continually making one debt to pay another, and when the scene closes, and their estates settled, their creditors receive a very small share of their demands. As long as some persons can get trusted for necessaries, they will spend their earnings for spirits, other needless articles, and paying cost.

But some may inquire how lawyers, judges, sheriffs, &c. are to get their living. If there is no other way for their support, have it done by a state tax; it would be much less expensive to the public than it is now; but I apprehend some other means would be provided, the earth, with good tillage, yields abundantly for the support of all.

Could all know the expense and difficulty of going to law, I apprehend that our sessions of courts would be short.

When reports of cases are published, the amount in dispute does not usually appear—more especially when that amount is a mere nothing.—The *principle* on which the Court decide is all that is deemed necessary to publish in those reports, so that only a few of the people learn how much is expended in law-suits about small trifles not worth contending for; and those few are not apt to make it known, as it might serve to prevent others from engaging in the law, whereby they would have to resort to some other means for subsistence.

I apprehend there are but few persons in this country who would be under the necessity of passing the bounds of the town in which they reside, in order to find a person that has had a very serious lesson on the “glorious uncertainty of the law” by sad experience; and many times we find neighborhoods, and even towns in a state of actual warfare in consequence of a petty law-suit, which at the beginning was not of a shilling’s consequence. We find many young men, when first beginning for themselves, with a handsome estate left them by their parents or relations, of which they know not the getting of, apprehending that some one has misused them, will fly to the law for a remedy, and sometimes after a number of years contention therein, will recover a very small part of what they have expended; but oftentimes the decision is against them, and they ruined in consequence. How frequently we find that after parties have been in law for some years, and made for themselves large bills of cost, will settle the same and each pay his own; and think themselves well off to get out of law in that way.

It is the prevailing opinion of people generally, who have not much experience in law affairs, that the law is founded on justice, and if compelled to resort to it, will have justice done them; but many from actual experience have learned that such is not the fact. The advice on the following page by a Counsellor at Law, taken from a publication of the American Tract Society, is so excellent, I cannot, consistently, refrain from giving it a place in this work, hoping it may have the desired effect for which it is written.

There are various other subjects comprehended in this work, which will be found very interesting to the reader, and which I am in hopes will prove beneficial to the public.

THE AUTHOR.

TO A PERSON
ENGAGED IN A LAW-SUIT.

.....
BY A COUNSELLOR AT LAW.
.....

SIR—You find yourself involved in a suit at law, in which, I doubt not, you believe yourself wholly in the right, and your adversary wholly in the wrong. And you probably feel yourself justified in maintaining your rights, to the utmost extent of the law. Nay, you even think you “do well to be angry” with him for prosecuting you so unjustly, or for unreasonably preventing you from the recovery of what you consider as honestly your due. You suppose yourself in the way of duty—and possibly you are. You can better determine this point, if, with a humble and devout spirit, you have sought the blessings of God on your business by fervent prayer. But as a suit at law is sometimes a serious matter in its effects, let me request your attention a moment, to one or two considerations.

I would first ask you whether, before you engaged in this contest, you tried every other mode of reconciliation and redress in your power? Did you go to your opponent in person, and in the spirit of kindness and soberness remonstrate with him, and endeavor to persuade him to do you justice? Or, if he resides far from you, did you write to him to the same purpose? Or have you availed yourself of the mediation of friends, or neighbors, to effect a peaceable and friendly settlement? Have you offered him a settlement by arbitration? In fine, did you delay resorting to a legal remedy, till it was evident, that no other means could procure you that redress which it was *necessary* you should obtain? If you have not done this, I fear you have gone to law hastily and unwisely. It is not, however, too late to attempt this *now*; and I would earnestly recommend to you to set about it without delay.—Do not say that it is his business to come to you,—for this is not the temper that will bring you together. In the business of reconciliation *some one* must move first. If your adversary has not magnanimity enough to do this, let it appear that *you have*; and without being nice and punctilious about the mode, set yourself honestly and earnestly to adjust the difficulty and be reconciled with your neighbor. A spirit of litigation is not a spirit to die in. Consider that you may

soon die, and that suddenly, and without preparation. And can you be fit for heaven, not having forgiven your brother on earth?—or not having rendered him his due, when in your power?

Consider the long train of evils, temporal and spiritual, in a law-suit. Even in a temporal view, little or nothing is gained by litigation; and what multitudes it has brought to rags, and intemperance, and ruin! When have you ever known even a *successful* litigant, who, on settling the whole account of lost time, neglect of other business, fees of counsel, and other contingent expenses, could say he had, on the whole, gained any money by prevailing in his suit? If the object of the suit be a piece of land, by the time it has proceeded through the usual delays in court; search of records; expense of surveys; proof of ancient boundaries; contests respecting the legality of proceedings by collectors, assessors, or sheriffs; adverse titles by possession or otherwise; together with repeated visits to consult counsel, and the cost and delay of questions of law arising upon exceptions taken to the opinion of the judge who tried the cause, the land generally costs the prevailing party much more by the acre, than he would have been obliged to pay to extinguish the adverse claim, real or pretended, and purchase a quiet title to himself, besides the loss of the good will of his opponent, perhaps forever.

If the contest has been severe, the loss to the losing party must be very great, and perhaps ruinous. If so, it is more than probable that he will entertain deadly hatred to you and yours during life. His children also will be likely to regard yours as the children of him who destroyed the peace and marred the prosperity of their father. Thus the animosities engendered by one law-suit are entailed on successive generations. What more could the grand adversary of the religion of Christ desire?

If you had submitted the matter to a considerate neighbor *at the outset*, and abided by his opinion, even if it were not strictly legal, how much evil, and sin, and trouble might have been prevented! Think seriously whether, in the prosecution of your suit, you have not been even the innocent occasion of *perjury*. Has not some witness of yours, out of zeal in your cause, or some one of your opponents, out of his zeal against you, either omitted altogether some material fact, or testified to something which, though literally true, is calculated and intended to be understood falsely by the judge or jury? And

are you not in danger of being tempted yourself to pervert truth and justice, by keeping back some important piece of evidence, and giving the cause a false coloring in your own favor? How much equivocation, and partiality, and even false swearing, are daily exhibited in courts of law!

And if you are engaged in the vindication of your character from unjust aspersions, or in compelling the performance of a personal contract, or avenging a personal wrong, or in defending yourself against an unjust prosecution, consider, I pray you, whether, before you appealed to the law, you honestly endeavored in the spirit of Christian kindness and liberality to become reconciled to your adversary; or to persuade him, by mild though earnest exhortations, to regard your rights. Have you forgiven as much of his misconduct as you ought to forgive? Have you accorded to his frailties the same allowances you would expect from the charity of others in the like case? Are you confident that you are *in no way* the aggressor? Have you dealt justly and fairly with him *in all respects*? Is there no fault or blame on *your* side, as well as on *his*? Have you devoted a single hour *alone*, to a careful review of your own conduct and motives in the whole affair, as in the presence of an Omniscient Judge? And are you *sure* that your cause is wholly just, in His sight? Are you not endeavoring in effect, by the aid of the law, either wholly to avoid, or at least to put off, either the payment of an honest debt, or the performance of a just obligation? Do not deceive yourself. Let me entreat you to answer these questions *faithfully and truly*, as at the bar of the Judge of all, and act towards your opponent as you would that he should conduct towards you. Be reconciled to him. See him face to face, and without the presence of witnesses to excite either his pride and anger, or your own. Enter with mildness upon the discussion of the matter of your dispute. Be just to him. Render to him his due. If this course were honestly pursued in all cases, I venture to affirm that a vast majority of the lawsuits which now end in hatred and revenge, would terminate in kindness and mutual reconciliation.

Soon, very soon, this world and its vanities will pass away. A few years hence it will make but little difference whether you have won or lost the cause in which you are now engaged; the more serious concern will then be, whether you have forgiven your brother, and are in charity with all mankind, or

whether your bosom is still the residence of malignant passions—whether you are entitled to be ranked among the peace-makers, or whether you have been accessory to the sowing and ripening of a harvest of deadly feuds and hostilities, which will break up the friendly intercourse of neighbors and families for generations. Did not Christ die for you both? Are you not brethren—children of the same common parent—professing to worship the same Lord—will you not stand at the bar of the same Judge—and do you not hope for the same salvation? Alas! if you die with hearts still rankling with rage against each other, have you not reason to fear that you will indeed both be tenants of the same dreary region of eternal darkness and despair?

Consider what is the *character* you are now forming. As death leaves you, so judgment will find you. "He that is unjust will be unjust still." He who is unholy at death, will be unholy forever. Does your present litigation, even if you are on the right side of the cause, tend to cherish in you the sentiments of love, and kindness, and charity, and mercy; or does it awaken and strengthen those of anger, and revenge, and a severe and unforgiving temper? And can this be a temper fit to die in? Is it fit to *live* in? Is it not then decidedly the part of wisdom to cease from litigation—to be reconciled to your offending brother—to render to him his due—and to "have fervent charity among yourselves?" For charity covereth, or excuseth, the multitude of another's sins. "Be ye kind one to another, tender-hearted, forgiving one another, even as God, for Christ's sake, hath forgiven you."

The objects of your present concern will soon be less than nothing in your estimation;—the affairs of time, and all the pursuits of men will fade from your view and vanish into nothing; and the realities of eternity will rise to a degree of importance, glorious to the child of God, but terrible indeed to those who have hitherto neglected to regard them. All flesh will be summoned before the tribunal of an omniscient Judge, whom no pretences can deceive, no strength resist, no sophistry or falsehood mislead.

Every character will then be clearly developed—every soul will go to his own place—either acquitted by the intercession of a heavenly Advocate, and admitted to happiness eternal, or justly condemned and consigned to misery without end!

Whoso is wise, and will ponder these things, shall understand the loving kindness of the Lord.

HISTORY OF 292 HENS' EGGS.

WIGHTMAN AND ASA CHAPMAN VS LEONARD DEMING.

In the Journal of the General Assembly of the State of Vermont, for October Session, 1823, on the 165th and '66th pages, is the following

REPORT.

"To the General Assembly now sitting :

The committee of new trials, to whom was referred the petition of Leonard Deming, praying that the Supreme Court may be authorised to sustain his petition for a new trial, in a cause therein named, with instructions to report the facts—respectfully report,

"That on the 21st day of April, A. D. 1820, Asa Chapman and Wightman Chapman, commenced an action against the petitioner, Leonard Deming, on book account, demanding twenty dollars damages in their writ, which was returnable before Peter Starr, Esq. Justice of the Peace, for the County of Addison, on the 28th day of the same April. That after the service, and before the return of the writ, Deming went to said Chapmans', and offered them two bills, one of which was a five dollar bill, and Deming said they were both five dollar bills, to go on account; Deming offered Chapmans to endorse a number of hen's eggs on a certain note, not then due, and then he would pay them the money, and balance the account. Chapmans replied, that they could not settle their business, some other person must settle it for us, and that they had bought no eggs of him, and should not pay him for any, and also said they should take no money—and that Deming offered to the attorney of Chapmans the amount of the costs, then accrued; that the trial came on before said justice, and the said Deming prayed for a jury, who were empannelled and sworn; that on the trial said Deming pleaded a book account against the said Chapmans, and the said tender in bar. It appears that Chapmans' account against Deming amounted to \$31,95—and that Deming's book account against Chapmans amounted to \$25,88—that in Deming's account was one charge for hen's eggs \$3,04; one charge to paying Joseph

Flagg, by agreement, \$4,52 ; one charge to cash and interest of Elijah Keeler, \$0,40, and one charge to cash and interest of Calvin Ripley, \$1,18. That the cause was fully heard by the jury, and a verdict returned for the plaintiffs to recover \$ 11,41 damages, and their cost. It appears that the jury disallowed the said Deming's charge for the hen's eggs, and two or three other small charges—that the said Deming appealed from said judgment ; that at the June term of Addison County Court, 1820, there was a judgment to account, and Samuel Swift, Reuben Saxton, and Ezra Hoyt, Esquires, were appointed auditors—that said auditors continued their hearing twice, at the request of said Chapmans—that at the third meeting the said Deming moved an adjournment, in order to procure the testimony of a witness, who resided in the state of South Carolina, which adjournment was refused by the auditors ; that the auditors heard the case on the merits, and reported a balance against the said Deming (having disallowed all the charges in said Deming's account above specified,) of \$15,21, damages and cost ; that the said Deming excepted to the report of said auditors, before the County Court, at their December term, 1820, but the Court accepted said report, and rendered judgment against the said Deming.

“That the said Deming petitioned for a new trial, which petition was heard at the June term of said court, 1821, and the Court refused to grant a new trial. It also appears to your committee, that the said Deming has since petitioned the County Court, aforesaid, for a new trial, which said Court have refused, and the petitioner has not shewn to your committee the existence of any material evidence in the cause, that has not been shewn to said Court. The petitioner has not shewn to your committee any statement from the justice or the auditors who have tried said cause, of the whole evidence in favor and against the several disputed charges above mentioned, (see papers, Nos. 7, 11, 13, 24,) so that it is difficult to perceive that injustice has been done to the petitioner, by the judgment of said County Court. It appears that the auditors aforesaid were not sworn until they had made up, and divulged their report, but were sworn before the same was delivered in Court, but it does not appear that the said Deming or his counsel had any knowledge thereof, until after said report was delivered in Court. What evidence the petitioner has shewn to your committee to shew what was pro-

ved on the trials, and what evidence he has discovered since the final judgment, is contained in the accompanying papers, marked from No. 1 to 29, inclusive.

"Your committee further report, that in their opinion, the prayer of the petition ought not to be granted.

JOEL PRATT, *for Committee.*"

By the foregoing report, without examining the papers referred to, it is impossible for any person to ascertain whether the charges therein mentioned were rightfully, or wrongfully disallowed. I shall lay down the following, which I consider ought to be a general rule: where an action is pending in a court of justice, on book account, and through any iniquity or falsehood of one party, a charge of the other party is wrongfully disallowed, and the disallowing of that charge, be it ever so small, turns the cause the other way, and saddles the loser with a heavy bill of cost, there ought to be a new trial whenever that charge is shown to be a correct one. I shall therefore refer you to the "law and the testimony," beginning with the foundation of the transaction.

On the 11th of August 1819, Deming, the defendant, made a contract with the plaintiffs, for what goods he wanted of them, on a years credit; the plaintiffs agreed to take of him such articles of produce as they were taking into their Store of their customers, if he carried them before the expiration of a year. In December 1819, he made another contract with them for a Stove, *on the same conditions he had goods of them*, except they would have a note for it, and on interest, it being so much at one time, and he not objecting, Asa Chapman wrote a note payable in *one year from date*, which Deming signed after Chapman agreed to take the produce on the note according to the contract, which was, at any time before the note became due. The two small charges by Ripley and Keeler, mentioned in the REPORT, was in consequence of Chapmans agreeing to pay him those sums when received; but they denied of ever receiving the same from Ripley and Keeler. The charge by Flagg may be closely examined, as the disallowing of that charge, was the turning point, before the Auditors.

On the 18th of April 1820, after sun set, Deming was in Luther Hagar's Store, and Mr. Hagar offered to sell him all the eggs he had at ten cents a dozen; he told Mr. Hagar he

was owing such pay, and if he could dispose of them, he would trade with him. On returning home he called at Chapmans' Store, Wightman and Asa were both present. Asa, after some conversation, and contrary to the advice of Wightman, said, "I will take all the eggs I can get at 9d, or 12 1-2cents a dozen, I am not afraid of getting too many, I have sold a number of dozen to day, to-morrow is Fast, and it will be a good time to sell, we have but a few on hand, I will take of you Deming as many as you will bring" Deming, the same evening, took some eggs from his house, and bought Mr. Hagar's according to agreement, and carried to Chapman's Store 24 1-3 dozen, which Wightman was anxious to have him take pay for, out of the Store; he would not agree to do it, but told him he might endorse them on that *Stove note, or put them on the account*; Wightman chose the latter, and took them, and carried three dozen of them to his house, and probably made use of them.* Asa Chapman, a day or two afterward, refused to keep them, or to pay for them in store pay, or any other pay, unless Deming would take such goods for them as Asa Chapman should pick, and assigned as a reason, that Deming had *no right* to buy eggs at 10 cents and sell them to him for 12 1-2. Deming had asked Asa, at the time the above conversation took place, for a pint of Rum, which was drawn and put up; Deming says to Asa "I can prove that you agreed to take of me as many eggs as I would bring you at nine pence a dozen." Asa replied "Deming, you lie! you know you lie!! and you intend to lie!!! and unless you carry off your eggs I will sue you." Deming told him he had no eggs to carry off, he had sold them to him, and he could prove it. Asa again replied "Deming you lie! and you know it." Deming then asked Asa if he could have the Rum towards the eggs; Asa said "*No, you cannot.*" Wightman, who was present during the conversation, said "why Asa, let him have it so, for I told him he might have any thing out of the Store he wanted for them." Asa said "if you have agreed so, I have not, nor I will not keep *one* of his eggs, and unless he

*It has been said that the eggs that Wightman carried home, were not used, but returned and put with the other the day afterward; but it was proved by their clerk, that 3 doz. of eggs were put into the basket, containing the eggs in dispute, the same day of the first trial, which was after eggs had fallen to ten cents; and whether the same 3 doz. were put back also, was not ascertained.

carries them off, I will sue him;" and Deming paid the money for the rum.

The next day Harvey Bell Esq. informed Deming, that he had a writ made for him in favor of Chapmans. Deming offered to accept service, but Mr. Bell said "it is Chapmans order not to let you accept, but to have the writ served." Deming soon after saw Asa, and related the conversation between him and Mr. Bell; and told him he was foolish to sue then, for the account was not due till August, and he should beat them on that ground. Asa said, he would risque that. Deming then said "if I cannot prove that you agreed to take of me as many eggs as I would bring you, I will take them back; if I do prove it, you shall give me credit for them." Asa said he would not do it, but he would leave it out: Deming said he had no objection to that, except, it was *too small business to trouble neighbors with*, and told him he would take the eggs back, if he would acknowledge he had accused him wrongfully of lying, for he did not wish to be an agent of making a *liar* of himself, as he must be if he took the eggs, after what had been said; he told him he had made him as fair offers as he ought to ask for, but not agreeing, he told him he would make him one more offer, and said "I will get the mah to the store that heard the bargain, you may hear his story, and if we cannot then settle it, I will leave it out as you have proposed, will you be in the store in the afternoon?" Asa said, yes, the most of the time. In less than thirty minutes from that time, and before Deming found the man, (although went to looking for him immediately) the writ was served; and on enquiring of Mr Brown, the officer, found it was Asa Chapmans express order to have it served immediately. Deming, not feeling satisfied with such proceedings and not knowing for a certainty that he could prove the contract for a years credit, as Chapmans' brother (Rodman) was one of the witnesses, and the other had gone to South-Carolina, he concluded it best to settle it, and done with it, if Chapmans would do what was fair and just; and for that purpose went to them to ascertain the amount due; they refused to show their book, or to let him know any thing about it, although Deming told them the amount of his account against them. Deming generally keeps debt and credit, and ascertaining the amount due as near as possible, and making some allowance for the Ripley and Keeler charges, and mistakes also, he makes Asa Chapman a tender of

ten dollars on the *account*, and offers to settle with Mr. Bell for the cost, because no lawful cost had been made, as no person was recognized for cost in the writ, at the time of service.

The following depositions, and affidavits are among the papers referred to, in the report of the committee.

(No. 21)

I Zebina Cushman of Middlebury &c. testify and say, that sometime during the session of the County Court, December term, 1819, I was at the store of Wightman and Asa Chapman, in Middlebury, and heard some conversation between Asa Chapman and Leonard Deming respecting a Stove, which the said Deming was about purchasing of the said Chapman; the said Deming observed to the said Chapman, "that if I take the Stove, I will have it on the *same conditions I have other goods*," to which the said Chapman made reply that he, the said Deming, might have it so, only, said Chapman said, it was so much at one time, that he must have a note for it, and on interest, to which the said Deming did not object; I understood them to agree, that the said Chapman, should take the said Deming's note, payable in *one year*; the note was to be written for money—at the time said Deming signed said note, he stated, that he thought he might want to pay part of the note before it became due, in some other articles, such as they were taking into their Store, and named over a number of different articles, to some of which said Chapman objected, and some of them he agreed he would take, and mentioned Butter, Pork, and Grain, and says, I will take all the Grain you will fetch before the note becomes due. And the said Deming, after making the note, observed, that if he did not pay the note before it became due, and he had to pay the money, he could not pay it till March, next, after it becomes due, as he then had a payment coming to him; and I have since heard both Wightman, and Asa Chapman say, that they were willing to receive the Grain on said note, and had called on said Deming for it, but did not get it: further this deponant saith not.

ZEBINA CUSHMAN.

May, 21st, 1821. Sworn before me,

ROBERT B. BATES, Just. Peace.

(No. 26)

I Ephraim McHard of New-Haven, &c. testify and say, that about the last of April, or first of May, 1820, that in conversation with Rodman Chapman, of said New-Haven, I learned from him that a day or two before, he had been to Middlebury as a witness in a cause between Wightman and Asa Chapman, and Leonard Deming. Rodman said that Deming summoned him to prove a contract that he made with me for Goods when I was a clerk in the Store. And Rodman said that he sold Deming a piece of fulled cloth for pantaloons, about the time of the death of his sister,* on the same conditions that we had formerly traded with him, which was, to have produce in six months, or cash in a year—and further saith not.

EPHRAIM McHARD.

Sworn before me, this 2nd of April, 1823.

SETH STORRS, Just Peace.

(No. 7)

We whose names are hereunto subscribed, do certify that we were called upon as Jurymen in a cause before Peter Starr Esq. at his office, sometime in the Spring of 1820, in which cause Wightman and Asa Chapman were plaintiffs, and Leonard Deming was defendant; the cause was an action on book account.—Deming said that Chapmans' account was not due, and undertook to prove it by Rodman Chapman; but he did not remember any such bargain as Deming had stated. Deming then relied on a tender of ten dollars, which was brought into court, which we considered a lawful tender for that sum. Mr. Bell also acknowledged a tender for cost up to the time the ten dollars was tendered. One charge in Deming's account against Chapmans was by way of Joseph Flagg, which charge we were satisfied was correct, as appeared from said Flagg's testimony given in said court, and we did allow the same. Deming had one other charge for a quantity of eggs, which charge was fully substantiated by the testimony of Isaac Stearns; but a question arose with some of us, whether it could be Chapmans intention to give Mr.

*His Sister, Hannah Deming, died August 11th 1819.

Deming credit for them; we at last decided that Chapmans were not bound to give Mr. Deming credit for them, but must pay him out of their Store, according to a custom of Merchants. In consequence of the above decision we found the tender between one, and two dollars too small, and therefore gave a verdict for plaintiffs. Deming had also two or three other small charges, which Chapmans disputed of ever having, and Deming having no proof to substantiate them, the same were disallowed. The above statement is correct, according to my best recollection.

GEO. A ALLEN,
JAMES JEWETT,
BENJ. LAWRENCE,
JOHN WARREN.

I believe the above is correct, excepting what relates to the tender for cost to Mr. Bell, of which I have no recollection.

ELISHA BREWSTER.

What satisfied my mind that the egg charge was just, was, that Isaac Stearns, who was in at the time the bargain was made, did testify that Deming asked Chapman how many eggs he would take of him; and he said Chapmans' answer was, as many as he would bring, or words to the same import.

GEO. A ALLEN,
JAMES JEWETT.

Perhaps some inquisitive person, on hearing the above decision, may be for asking, "how came six men to be of opinion that a Merchant's Goods were a lawful tender for what *produce* a Merchant was purchasing of his neighbors?" I will answer, in part, and leave the remainder for some of that Jury. The agreement, made in August 1819. for Goods on a years credit, the refusal to take Store pay for the eggs at the time they were carried, and Chapmans refusing to let Deming have that pint of Rum toward the eggs, were not proved to said Jury. It therefore stood in the same way that it would in case that you was owing your Minister, or Doctor, and you should carry them twenty bushels of Corn, which they should take, and say nothing about pay—soon after, you call on them for a settlement, and they contend that preaching, or doctoring is a lawful tender for the Corn, and refuse to account with you for the same in any other way. Perhaps you

had better take such pay, than to have a law-suit, unless you got chosen defendant while using your best endeavors to settle it without law. Thus we find, if the Jury had allowed but half of the eggs, it would have reduced the balance below ten dollars, the amount of the tender, which the Jury, and Auditors considered good and lawful. Or had they allowed the other small charges, it would have balanced their account, by adding the tender, viz. verdict was \$11,41, tender, \$10,00, Ripley, \$1,18 and Keeler, 40 cents, makes \$11-58,—which overpays 17 cents, without allowing the egg charge.

The cause was app-ealed, and at June Term of the County Court, 1820, Auditors were appointed. The Auditors met June 17th, and adjourned at Chapmans' request: met again July 17th, and adjourned at Chapmans' request, and no good reason given for an adjournment. September the 11th, met the third time, and behold!! Chapmans were ready for trial, and the following deposition and affidavit of Joseph Flagg will show why they were ready.

(No. 8)

Joseph Flagg, formerly of Middlebury, Vermont, but now of Gates, County of Genesee, and State of New York, being of lawful age, and duly sworn, deposes and says: that sometime in the Summer, or Fall of 1819, he, this deponent, went in company with Leonard Deming, of Middlebury, Vermont, to the Store of Asa and Wightman Chapman of the same place; when, after some conversation, this deponent requested the above named Asa Chapman to refer to the account of the said Wightman and Asa against him, this deponent, which the said Asa did, and likewise informed this deponent the amount of the same; whereupon this deponent informed the said Asa, that he, this deponent, was owing the said Leonard Deming between four and five dollars, and likewise requested him, the said Asa, to pay the same to the said Leonard out of the Store of the said Wightman and Asa, which the said Asa agreed to do, And this deponent further saith, that the said Leonard agreed to take his pay out of the Store as aforesaid. And this deponent further saith, that the said Wightman and Asa were indebted to this deponent at the time above mentioned, judging from the amount of their account, as stated to this deponent by the said Asa. And this

deponent further saith, that he always supposed that the said Asa, had paid the said Leonard, pursuant to the above mentioned agreement, until sometime in the Spring of 1820, when the said Leonard, for the first time, called on this deponent, and informed him that the said Asa refused to pay him according to the above mentioned agreement.* And this deponent further saith, that about the first of September last, he, this deponent, had a conversation with the above mentioned Asa, in which he, the said Asa, informed him, this deponent, that Daniel Chipman Esq. an Attorney at law in Middlebury aforesaid, informed him the said Asa, that he could not safely settle with this deponent in any other way than by jumping accounts, on account of the suit, which the said Wightman and Asa had with the said Leonard. And this deponent further saith, that he, this deponent, on or about the ninth day of September last, settled with the above mentioned Asa, by jumping accounts, and that he, the said Asa, then likewise observed, that he could not afford to give over five dollars, because, if Deming should beat them, they should have that to pay. And this deponent further saith, that he agreed with the said Asa, to take five dollars as the balance due him, and that he, this deponent, and the said Asa, then went from the back room of the said Wightman and Asa's Store, where the said conversation was, to the Front, or Store-room of the said Store, and that the said Asa then told his Clerk, Francis Wilson, that we had settled by jumping accounts, and that he must pay him five dollars. And this deponent further saith, that at a trial before Peter Starr Esq. in Middlebury aforesaid, sometime last Spring, the said Asa asked him, this deponent, this question; whether he, this deponent, did not recollect he was to pay in Shelf Goods; and this deponent answered, that he could not tell, but that he was to pay him out of the Store; the said Leonard then replied, that he, Chapman, was to pay in Shelf Goods. And this deponent further saith, that the said Leonard requested him, this deponent, to make a deposition a few days before this deponent left the said town of Middlebury, in the presence of the said Asa; that he, this deponent, told the said Leonard that he had rather not do it, and that he, this deponent, then stated to the said Leonard, as his reason for not wishing to do

*The foregoing is the substance of said Flagg's deposition taken in Fair-Haven September the 11th, and used at the Audit.

it, that he was fearful of being detained by persons in Middlebury aforesaid, on account of unsettled accounts which he, this deponent had there; and further this deponent saith not.

JOSEPH FLAGG.

December 13th 1820, This deposition, Sworn to before,
ROSWELL BABBIT Just. Peace.

(No. 27)

I Joseph Flagg, of Harborcreek township, county of Erie, and State of Pennsylvania, of lawful age, do testify and say: that for a number of years before I left Middlebury, Vermont, I worked for Wightman and Asa Chapman of said Middlebury, in my line of business, Sometime in the Spring of 1820, Leonard Deming of said Middlebury, called on me to testify in a cause between him, and the said Wightman and Asa, tried before Peter Starr Esq. at his office. After that court the said Chapmans did not call for much work of me, if any. In the course of the Summer after, I called on said Chapmans for a settlement, frequently, they put me off from time to time by various excuses; I was at the time, calculating to remove to the westward in the fall after, and wished to settle my business with said Chapmans before they knew of my intention to remove. About the first of September of that year, (having satisfied myself that I could not settle my business with said Chapmans according to my wishes,) I called on said Asa Chapman for a settlement, and told him I was going away, and wanted a settlement; Asa asked me when I was going; I told him, next Saturday night; he told me I must not go till after that court; I told him he did not want me for that court; he said, if we do not, Deming will; I told him I cared nothing about Deming, he must take care of himself, or that I should not stay to that court to accommodate Deming, or some like expression; Asa told me if I got ready to start by that time, to call on him and he would settle with me in five minutes and pay me off. A few days afterward we settled our accounts by jumping, as I have stated in a former deposition, at which time Asa enquired of me whether Deming knew that I was going away. I being satisfied that deception was absolutely necessary in order to get my pay of Chapmans for what they honestly owed me, I gave him to understand that Deming did not know it; up-

on which Asa agreed to pay me five dollars on the conditions above stated, which sum was a day or two afterward paid to my wife.

And also further say, that at the time the contract was made between myself, Asa Chapman and Deming, as I have stated in a former deposition, Asa Chapman told me he would pay Mr. Deming what I owed him, and if on settlement between us, you should owe us, we will take pay in your work.

And also further say, that there was no agreement for Deming to deliver the note he held against me to Chapman; for I always expected to settle with Deming myself, in order to ascertain the sum due him, which was, part on a note, and a part in account, and the amount that was due I expected to let Chapman know before, or at the time of our settlement, or any other time when they wanted to know the amount. Deming, as he said, nor myself, did not, at that time, know the exact amount; nor did Chapman request a knowledge of the exact sum as a condition upon which he agreed to pay the same to Deming; but the sum mentioned was between four and five dollars; nor did Deming ever call on me for that debt afterward, except it was to have the same discounted with Chapmans according to the agreement first made between us.

And also further say, that said Deming came to me two or three weeks before I left Middlebury, and told me he had heard that I was going away soon; I told him I was calculating to; he asked me when; I told him, and on casting it up, found it was a day or two before his court with Chapman. He told me I must not go so soon; I told him I must, or else I should get nothing of Chapmans, and that they owed me 15 or 20 dollars, and that I should have to work some generalship to get it; and I assured Deming that he should have my testimony; and requested him not to let Chapman know that he knew I was going away, for if he did, Chapman would not pay me any thing. Deming came to me a day or two before I started, and urged me very hard to give my deposition just before I started; I told him if I did I should not get away at all, for Chapmans would use their influence to hurt me, and I should be stopped on unjust demands; and that I had rather pay him for going after me than to give my deposition in Middlebury. I had considerable fears that Deming would

compel me to give my deposition before I started—and further this deponent saith not.

JOSEPH FLAGG.

Sworn to, July 4th, 1823, before me,

MYRON BACHUS, Just. Peace.

(No. 16)

I John Weaver, of Middlebury, in the county of Addison, of lawful age, testify and say—that four or five years ago, I was in W. and A. Chapmans' Store in Middlebury, and heard some conversation between Leonard Deming and Wightman Chapman relating to a demand against one Calvin Ripley, for which said Chapman agreed to pay said Deming when he got the same from said Ripley—the amount of said demand I do not recollect.

And also further state, that I was in said Chapmans' Store a few days after Fast, in April 1820, and said Deming came in, and offered Asa Chapman two five dollar bills, as Deming called them, to go on account—I saw there were two bills, one of which was five dollars, did not see the amount of the other; Asa Chapman said, that we cannot settle our business, some other person must settle for us.—Deming told said Chapman that he might endorse the eggs on that Stove note, and then he would pay him the money and ballance the account—Chapman said that he had bought no eggs of him, and should not pay him for any; and also said he should take no money of you now; soon after, Deming left the Store.

And also further state, that about the 20th of May, 1820, I was in said Chapmans' Store, and Leonard Deming came in and told Asa Chapman that he wanted Store pay for them eggs according as the Jury had decided. Chapman said they did not decide so, I know how they decided as well as you, and told Deming he had bought no eggs of him, and should not pay him for any.

And also further say, that I heard Asa Chapman say that Deming had been to him and wanted to have the eggs sold in such a manner that they might not be lost, nor effect the rights of either party in the suit; he said that he told Deming that he should do nothing about them, and if Deming had got property he might take care of it, and he could take care of his own.

Also further say, that about the time the suit was commen-

ced, between Chapmans and Deming, I asked Wightman Chapman, what his notion was for having a law-suit with Deming; his reply was, "Asa was so mad he could not stop him from going to law with Deming."

Also further state, on the day after Fast, 1820, being in Chapmans' Store, and Asa told me that Deming had come to him that morning after some Rum toward them eggs; Chapman said that he told Deming he had not bought any eggs, and should not pay him for any.

And also further say, that I was in Chapmans' Store, and heard Harvey Bell Esq. tell Chapman that he had got to be busy this week, or Deming would beat them; it is my impression that this conversation was about the first week in September, 1820—furthermore this deponent saith not.

JOHN WEAVER.

June 4th 1821.

Sworn to before me,

SAMUEL MATTOCKS, Just. Peace.

(No. 19)

I George A. Allen of Middlebury, &c. testify and say: that sometime in the Spring of 1820, I was called upon for a Juryman in a cause between Wightman and Asa Chapman, plaintiffs, and Leonard Deming, defendant, which cause is called the egg cause. In the course of the trial, one Joseph Flagg was called upon as a witness to prove one charge in said Deming's account, which was disputed by said Chapmans; and during the examination of said Flagg, he stated that Deming had been to him a few days before, and told him that Chapman would not do as he had agreed to. He also said, that he offered Deming an order on Chapman, or, that Deming asked him for an order on Chapman, which order, was to be an order of *discount, according to a former agreement*; and he said also, that Deming would not accept of an order in *payment*, unless Chapman would discount it according to a former agreement; and if I recollect right, he said there was no order given at that time. Asa Chapman asked said Flagg this question, "do you not recollect, Mr. Flagg, that I was to pay Deming in Shelf Goods?" Mr. Flagg said he did not remember whether it was Shelf Goods, or other Goods, but it was out of the Store. Mr. Deming then told Chapman that he remembered of its being in Shelf Goods, and it was

Shelf Goods he then wanted, and took his pay in Shelf Goods, and told the Court and Jury; that he thought it was very singular that a man should forget that he was *bound to pay a debt*, and at the same time remember *how* he was to pay it. From said Flagg's testimony, I was satisfied that the charge in Deming's account against Chapmans, by way of said Flagg, was correct, and the same was allowed; and further saith not.

GEORGE A. ALLEN.

October 6th 1821. Sworn before me,
SETH STORRS, Just. Peace.

(No. 14)

I Calvin Ripley, of Rupert, County of Bennington, and State of Vermont, of lawful age, testify and say: that sometime in the Fall of 1815, Wightman Chapman of Middlebury came to me at Salem, where I was then living; he told me he had been compelled to pay a number of debts for me in consequence of his having, as an officer, served writs on me before I left Middlebury. One of the debts which he said he had paid, or was obliged to pay, was one in favor of William Huntington;* he requested me to pay the amount of those debts. After he found the sum due, from minutes which he produced, I paid him the full amount of the sum, which he said, was due to him; the Huntington debt was included.—Wightman then gave me a receipt in full; the receipt I have since lost, and it cannot be found; and further the deponent saith not.

CALVIN RIPLEY.

September 20th 1820. This deposition of Calvin Ripley, was taken and sealed up, by

NATHAN BURTON,
Judge of Bennington County Court.

(No. 15)

I Hubbard Kendall of Middlebury &c. testify and say: that I was in W. and A. Chapmans' Store one evening in the month of March, or April last, and Leonard Deming was in the Store also. Deming asked Wightman Chapman if he had got his pay of Calvin Ripley on that debt of his. Said

*The Huntington debt, was the property of Leonard Deming.

Chapman made reply, "what is the use of talking about that Deming? I never agreed to pay it to you till I got it of Ripley." Deming said, "you agreed to pay it when you got it from Ripley, did you not?" Chapman said, "yes, I calculate to when I get it, and not before." Deming asked Chapman if he had not taken Ripley's note for it. Chapman said, "I took a note of him, on my own private deal." And further this deponent saith not.

HUBBARD KENDALL.

June 6th 1821.

Sworn before me,
SAMUEL H. HOLLY, Just. Peace.

(No. 13)

SALISBURY, June 1st, 1821.

Sir—Your letter of yesterday was received, inviting a statement of my views, in cause, Chapmans *vs.* yourself.

First. With respect to Rodman Chapman's testimony, I have only a faint recollection of it; he was before us but a very short time, being that day on military duty—if I have an impression left, it is, that his testimony was rather more favorable for Deming, than W. & A. Chapmans' statement against Deming.

Second. Mr. and Mrs. Keeler, stated to my full satisfaction, that some seven years ago they did pay to Mr. Chapmans about 30 cents for the use and benefit of Mr. L. Deming, that the Chapmans did, or ought to have paid the same—that it further appeared there had been two, or three settlements between the parties prior to the Audit; our acquaintance with Mr. Deming's care in business induced me to believe that the sum could not have been overlooked heretofore, it was therefore set aside by Auditors.

Third. The Chapmans did remark, that Mr. Deming was remarkable for his particularity in business, charging and giving credit, even when the trade closed with the making; from the suggestion, and my own observation, I was of opinion it was a just remark.

Fourth. I was fully satisfied, I believe, from the concession of Mr. Chapman, that he, Mr. Chapman was to receive such eggs as he, Mr. Deming might have in the ordinary course of his business, which turned out to be 30—that the eggs bought of Mr. Hagar, we adjudged unfair, and therefore

set them aside together with the 30 aforesaid—the reason for which was, that we were of opinion that two minds must meet in order to constitute a bargain; and we believed the parties minds never met on so large a number of eggs.

Fifth. If I remember, the Auditors considered the tender as sufficient, though very little on that subject was said, and I may have forgotten.

Sixth. I was satisfied that Flagg inquired of Chapmans, if the Chapmans would pay on his account to Mr. Deming, five or six dollars in goods; answer affirmative; that Mr. Deming was either applicant to get his debt of Flagg; or that Flagg wished to pay Deming—in either case I was of opinion the Chapmans were neutral—that no definite sum was either presented or expressed to the Chapmans; we therefore adjudged the Chapmans clear of such charge brought by Mr. Deming; what further satisfied me, was, the note of Flagg in the hands of Mr. Deming at the time of the Audit. The deposition of Flagg was for naught had with me, from the manner of its being taken, to wit, West Haven instead of Middlebury, which I could not be satisfied was so done, for sound reasons.

Seventh. Mr. Deming stated before the Auditors, that the Mr. Chapmans' account against himself, had not, at the time the action was brought against him, fallen due, and mentioned a *special contract*, my impression is, that such contract was not proved—neither was the negative proved.

Eighth. Mr. Deming moved for a further adjourment of Auditors, for the purpose of obtaining the deposition of a Mr. Logan, formerly a scholar in Middlebury College, now in the state of South Carolina, to prove a point, I think the *seventh*, as I have named them, that the Auditors were of opinion that Mr. Logan would not remember, distinctly, so trivial a bargain, in which he had no interest, two years afterward; and as the Audit was a third time convened, we were of opinion it was trifling with the parties, to postpone a conclusion of so troublesome a little cause.

Ninth. At the Auditors' meeting on the foregoing business, we were each of opinion Mr. Deming should loose the eggs; but dividing the question, so as to make the loss partly on each of the parties, was not conversed on.

According to my best recollection, the foregoing is a true

relation of the aforesaid Audit, and my private opinion on some of the points under consideration.

REUBEN SAXTON.

(No. 11)

On further reflection with respect to the testimony of Rodman Chapman, in Audit, (Chapmans vs L. Deming) Mr. Deming stated, that R. Chapman agreed, and did let him have a pantaloons pattern of home fulled cloth, which he, the said Rodman, considered better than Shelf Goods—that if I remember, the said Rodman assented to as correct, which was on the day of the death of Hannah Deming; that Mr. Deming contended that he, at the same time, made conditions for any goods he might want for one year, which was not shewn, nor admitted.

REUBEN SAXTON.

The Auditors were not sworn till after the report of the Auditors was made public.

REUBEN SAXTON.

June 12th, 1821.

On the above trial, Deming inquired of Francis Wilson, one of the witnesses, if one of the Chapmans, which I do not recollect, did not say he would pay goods for the eggs; and Wilson said, Chapman offered to pay such goods as he, Chapman, should pick, but not others.

SAMUEL SWIFT.

(No. 24)

At a meeting of Auditors, consisting of the Hon. Samuel Swift, the Hon. Ezra Hoyt, and Reuben Saxton, Esq. appointed by the Hon. County Court at the June term 1820, to audit the accounts between Wightman and Asa Chapman, plaintiffs, and Leonard Deming, defendant, which last meeting was on the 11th of September, 1820.

In Deming's account against the Chapmans was one charge by way of Joseph Flagg of \$4, 52, one for 24 1-3 dozen of hens' eggs, \$3, 04, one, to cash of Elijah Keeler in 1817 or '18, and interest on the same 40 cents, and one, to cash of Calvin Ripley. in 1815, and interest on the same, \$1, 18, which charges were disputed by said Chapmans.

The Auditors were fully satisfied, that sometime in the Summer or Fall of 1819, that Flagg, Deming, and Asa

Chapman were at said Chapmans' Store—and that Flagg told Chapman he was owing Deming **on note and otherwise*, between four and five dollars, and asked Chapman if he would pay the same to Deming out of their Store—and that Chapman assented to it, *no note, or account being present, and the amount not being then ascertained*—and that Deming, at the same time, agreed to take his pay, for what Flagg was owing him, out of Chapmans' Store—and that Deming, *on a running account, and with no notice to have them applied on Flagg's account*, did take such goods of Chapmans as was agreed upon, (which was shelf goods) after that time to a larger amount than the \$4, 52—and that Chapmans knew the exact amount before they had settled with either of the parties, *but not until after the commencement of the present action, as I think*—and that Deming and Flagg agreed, *afterwards*, that \$4, 52 was the sum that Flagg was owing Deming at the time the above contract (*arrangement*) was made.

The testimony to do away the above contract was all circumstantial, and to the following effect ; Flagg left town rather privately with his family, on Saturday night September, 9th, and Deming came before the Auditors on Monday at 10 o'clock, and produced Flagg's deposition, lawfully taken that day in Fair-Haven. One of Chapmans' Attornies asked Deming to state about his calling on Flagg for an order on Chapman, for Store pay, a few days before this suit was commenced, to the amount of what Flagg was owing him. Deming told him he did not recollect any such thing. Chapman said "you may deny it now, but if you had not got Flagg off, in order to get a deposition to suit yourself, we could prove it by him, and I guess we can now." (See No's 19 and 27) Two of the former Jury were then called in, to prove what Flagg testified to at the first trial ; one of them, only, recollected that Flagg said something about himself and Deming having some conversation not long before about an order on Chapmans, but what the order was for, he, the Juryman, could not tell.

The charge by Keeler was fully proved to the Auditors, in testimony as follows : the charge was against Mrs. Keeler in 1810, for 25 cents, which was before her marriage. In 1814 '15 or '16, as Mr. Keeler stated, "I and my wife and a tall man (which his wife testified was Deming) were in Chap-

*The alterations made by Judge Swift in this No. are in *Italic*.

mans' Store, I and my wife were taking up some goods, and I learned from my wife that she was owing Deming; and it was agreed upon between myself, Chapmans, and Deming, that Chapmans should charge the amount, that my wife owed Deming, to me—I took a bill of the articles that we took of Chapmans, and in the bill was that charge by Deming, and when I paid Chapmans I had the bill with me, and paid according to the bill, and Chapman receipted the bill, and I afterward destroyed the bill, as being of no use to me." Mrs. Keeler confirmed her husband's testimony, and added: "that Deming taxed me interest on the account, which I agreed to pay—and that Chapman, after inquiring the amount of it, went and wrote, and, as I supposed, charged the same to my husband." Some questions were asked her by both parties. Deming asked her the following: "did you understand Chapman to say that he would charge the amount to Mr. Keeler, and on receiving it of him, pay it to me? Did you agree to pay it to Chapman, instead of paying it to me? Did I agree that you might pay it to Chapman, instead of paying it to me?" Her answers were all in the affirmative. Mr. Swift then asked her if she understood how Chapmans were to pay Deming, whether in cash, turn it on their account, or in store pay. She said she did not know how they were to pay him, but were to pay him AFTER (not before) Mr. Keeler paid it to them.

The charge was disallowed, on the ground that Chapmans and Deming had settled book accounts two, or three times, within the time stated by Mr. Keeler.

The proof relating to the charge for eggs was somewhat contradictory. It was proved by Isaac Stearns, that in the evening before Fast, in April, 1820, that he, and Wightman and Asa Chapman were in said Chapmans' Store—and that Deming came in, and asked Asa Chapman how he sold eggs. Asa said, nine pence, and asked Deming if he wanted to buy. Deming said, no, he wanted to sell him some. Asa then asked Deming if he had hens that laid more eggs than he wanted to use. Deming said he had, his hens laid all over the country. Asa then said he would take eggs of him, but Wightman objected to Asa's buying so many eggs, and said Stewart would not take eggs. Asa said he would take all the eggs he could get at nine pence a dozen. Deming then asked Stearns, "do you remember of my asking Asa, how many eggs he would take of me, and of his telling me, as many as I would bring?"

Stearns said "I rather think you asked him that question, and that he made you that answer, but cannot say certain.*" Stearns said, that after Deming went out of the Store, Wightman asked Asa what he wanted to talk with Deming about eggs for, he has no eggs to sell; Asa said, I guess he has some.

It was proved that the eggs were carried to them. *The Auditors believed, from the evidence, that the Chapmans were reluctant to take eggs at all; but consented to take some of Deming, as a neighbor, and customer, supposing he had a few, which his own hens had laid, or he had taken of his customers, more than was necessary for his family's use; but in fact, Deming purchased the above mentioned eggs of a neighboring merchant, at 10 cents per dozen on purpose to sell again.* It was proved also that Deming agreed to take the eggs back, if he had not made a contract with Asa about them, upon which the clerk went to counting the eggs, and while he was counting them, Wightman came in, and after scolding some, and trying to pay for them out of the Store; and of Deming's telling him that he had made a previous contract with Asa about the eggs, he took three dozen of them, and carried them home, after ordering the clerk to count the remainder. It was proved also by Chapmans' clerk, that Wightman did not offer to pay for the eggs in any thing but such goods as he, Wightman, should pick. It was proved that Deming offered to let them endorse the eggs on a note not due till December after; but it was not done.

On the Ripley charge was no proof of any use.

The above paper, excepting a few alterations, which I have made, has been handed to me by Mr. Leonard Deming, to be signed. It does not present, I believe, all the facts, which appeared before the Auditors; but I have not time or recollection enough to supply them. A few facts are stated, which I do not distinctly recollect; but they are, as I suppose, immaterial; and so far as I do recollect, not incorrectly stated.

SAMUEL SWIFT.

September, 21st, 1824.

* Said Stearns had sworn to the same facts, at the first trial, which was before Wightman had threatened, or Asa battered him. See No. 7 & 25.

In order to shew that the report of the Auditors was wrong, Deming took exceptions to the Auditors' report at the December term of the County Court, 1820, at which time it was proved among other things, that the Auditors did not act under oath, as they had not been sworn until after their report was made public; but the report was accepted.

Deming made three other trials before the County Court, in order to have a chance to shew the Judgment wrong, which last trial was at the December term, 1822. Present, the Hon. Stephen Haight, Jun. and the Hon. Elisha Bascom, assistant Judges of said Court, at which term was proved the following additional facts: That a few days before Flagg went off, he called on Chapman for a settlement; and Chapman told him that Daniel Chipman had said that they could not settle their accounts safely, any other way, only by *jumping*, on account of the suit with Deming—and that they settled by jumping, and paid Flagg five dollars, and told him they could not afford to give him any more, because if Deming should beat us, we shall have that to pay—and that Deming requested Flagg to give his deposition before he left town and in Chapmans' presence, which Flagg had rather not do as he was fearful of being detained by persons that he was owing in Middlebury, and about there—and that the charge stood allowed to Deming at the time the settlement was made between Chapmans and Flagg—and that Flagg was asked by Chapman at the trial before the Justice, if he did not remember that he was to pay Deming in *Shelf Goods*, and that Deming said at the same time, it was so—and that the order mentioned about at the trial before the Auditors was to be an order of *discount according to a former agreement*; and that Deming refused to accept the order in *payment* unless Chapman would discount it according to the *former agreement*—and that no order was given—and that the reason why Flagg's first deposition did not contain the settlement between him and Chapmans, was in consequence of the Justice, who drew the first deposition, thinking it to be unnecessary.

On the Keeler charge there was no new evidence at all.

On the Ripley charge, it was proved at the first, of the three last trials, that Wightman Chapman agreed, in March or

April 1821, (See No. 15) to pay it to Deming when he got it from Ripley, and that Ripley had paid it to him in 1815.

As to the egg charge it was substantiated by the following additional testimony : That at the time Deming carried them the eggs, Wightman told Deming that he might have *any articles* out of the Store that he wanted for them—and that Deming told Wightman he did not doubt but that he should want twice the amount out of the Store, in the course of the year, but still want credit for the eggs—and that Wightman said he would not give credit for the eggs on the account, but if you compel us to take the eggs according to agreement, you must pay the ballance of the old account soon—and that after this Wightman took the eggs with a full knowledge that Deming intended to have credit for them—and that store pay had been demanded for the eggs, before the suit was commenced, and after the decision of the jury also, which Chapmans refused to pay—and that the account on which the suit was brought was payable in such articles as Chapmans' were taking into their store of their customers—and that they were taking all the eggs that were brought to them at that time—and that they gave credit for eggs on book, or endorsed them on notes—and that Chapmans said if Deming had have known of their taking eggs on notes or accounts, it would have been a fine thing for him, or he would have a fine clue upon us, or some like expression—and that the account was not due until nearly four months after the suit was commenced—and that Chapman did acknowledge, that at the time the contract was made, that he did tell Deming, "to bring on your eggs, and I will take what you bring at nine pence a dozen"—and that Wightman had said, that the reason of their going to law with Deming, was, because Asa was so mad he could not stop him from it—and that Wightman, before the suit was commenced, told Asa he was a fool to sue Deming, for if you do, he will beat us, for you know you agreed, or, if you agreed, to take as many eggs as he would bring, you ought to take them, if we lose them, or fling them away.

[This witness was satisfied that Asa Chapman had agreed to take of Deming as many eggs as he would bring them—and that he was determined upon a law-suit with Deming.]

In addition to what Isaac Stearns swore to before the Auditors, the following is an extract of his affidavit.

"And also further say, that I was-called upon as a witness

in the cause between said Chapmans, and said Deming, at Esq. Starr's office; soon after that trial, I met Wightman Chapman in the road, near his house, and he said "Isaac! what did you swear to a damned lie for the other day?" I told him I had sworn to nothing but the truth. He said, "you did! *for you was not in the Store that night*, and if my oath could be allowed in the case, I should swear that you was not in the Store at the time you stated." I told him I was in the Store and John Houghton would tell you so, and I brought a due-bill from Fillmore, and that he was reading a newspaper. He said he did not take a newspaper that evening. Wightman also told me, or I understood from him, that if I swore so again, he should impeach my testimony.

"And also further say, that the evening before the trial at Esq. Swift's office Asa Chapman came to my house, and told me I had sworn wrong in the first Court. I told him I had not. He told me I was mistaken, for he did not tell Deming that he would take as many eggs as Deming would bring. I told him he did, or else he told him what amounted to the same thing. He told me to think of it, and see if I could not tell a different story."

It was proved also, that about the 20th of September, 1821, that Deming asked Wightman, this question. "Did you not offer to pay me *any articles* out of the Store that I wanted in payment for the eggs at the time I brought them to you?" His answer was, "I did, but you said you would not take Store pay for them." Deming said, "did I tell you I would not take Store pay for them?" Wightman said, you did; you said you intended to have them go on account, or on a note." Deming then asked him what he took them for, after he refused to take Store pay for them. To which no answer was given, and Asa and Wightman were both mad, and swore some, and ordered Deming to hold his tongue or leave the Store very soon—and that this conversation was began by Chapmans in a blackguarding manner, and that the Chapmans all left the Store room to Deming and the company. There was no evidence produced on the part of Chapmans at either of the three last trials; and at the last trial, no objection was made by them in Court, in any way, but a new trial was refused at each time.

Judge Haight gave the opinion of the Court as follows:

That the new discovered evidence was material, and might

cause the verdict to go the other way ; but in the case of new discovered evidence, it must be so plain as not to leave a doubt in the minds of the Court, but what the verdict would go the other way in case the cause was tried over again.

But what doubts the Court had, was not stated by them, of course not known what they were ; but if the Court, or any other person will state to me one *rational* doubt, which will arise on the *merits* of the case, against my recovering on a new trial, I will vouch that, that doubt shall be removed, to the satisfaction of any *rational* person ; or I will abandon the cause forever—Thus I solemnly promise to do.

LÉONARD DEMING.

MIDDLEBURY, January 25th, 1823.

Having examined the foregoing statement. I believe it to be correct, with this exception ; that the Court did not, expressly say, that the new discovered evidence was material.

ELISHA BASCOM.

REMARKS.

From an examination of this cause, a number of facts are apparent, among which, are the following : that Wightman and Asa Chapman, and Leonard Deming, have had a very unnecessary, and lengthy contest, in the law, which had its rise from merely nothing ; but, like many others, has become important to the parties, not only in interest, but in principle and character—and that the Chapmans might took their pay of Deming, at the time he offered them the ten dollars, and by doing so, might saved to themselves \$3, 93, and their extra expense of this suit—that Deming has made a losing bargain in buying eggs at 10 cents a dozen, and selling them at 12 1-2—that Deming cannot, (in case he possesses a principle of honesty) feel any great degree of satisfaction, after presenting his account before a Court of Justice, and making oath to it, and to have nearly one half of it disallowed—that Deming used all the means that was reasonable to settle the misunderstanding before the suit was commenced, and afterward—that Asa Chapman, by using undue influence to get Mr. Flagg away, in order to deprive Deming of the benefit of his testimony, and then to state, before the Auditors, what was not true, and what he knew was not true, was not doing as he would be done by—that the conduct of both Wightman and

Asa Chapman, in threatening, and flattering Isaac Stearns, in order to deter him from telling the truth, and to endeavour to influence him to tell a different story from what he had done at the first trial, and afterward to acknowledge that he had sworn to the truth, at the first trial, is far, very far beneath the character of an honest Man, or a Gentleman.

“A just man should account nothing more precious than his word, nothing more venerable than his faith, and nothing more sacred than his promise.”

There is no principle of Law, Justice, or Equity, against Deming’s recovering in this suit; Judge Bascom states, that the account was not due till nearly four months after the suit was commenced; if this is true, Chapmans certainly ought not to recover, for Deming ought not to be compelled to pay the demand before it became due; although he had a right to pay, and did pay, before the account was due, *and in just such pay as Chapmans agreed to take*, yet, by some strange principle, he has had to pay the same a second time; but if it should not appear but that the account was due at the commencement of the suit, we will examine a little further.

There appears to be some mystery in the testimony and statements of Rodman Chapman; he must have told what was not true, been rather forgetful, or sworn false; “for the truth half told, is always a lie.” When a person is sworn as a witness, they are sworn to tell the truth, the whole truth, and nothing but the truth; and it appears by the statement of the Jury, and of Esq. Saxton, that nothing was proved by him of any use to Deming; but if he had sworn to the same fact that he soon after told Ephraim McHard, the cloth for pantaloons, being a charge of \$3, 75, could not have been allowed in Chapmans’ account, for it was not due, according to Rodman’s statement, till August 11th 1820, which was three months and twenty days after this suit was commenced; therefore, by allowing the Ripley and Keeler charges in Deming’s account, there would be only \$9, 88, due to Chapmans, which sum would be below the amount of the tender, which was good and lawful, for it is laid down in the Books, “that a tender made in bank bills *is good* unless objected to at the time *on that account*; because they are what usually pass for money, and no objection shall be made afterward, on that account, unless made at the time.

As this is an egg law-suit, it will be expected that something will be said about the charge for eggs, although not necessary

to be allowed in Deming's account, in case the other charges should be allowed, in order to recover his cost of Chapmans.

As Chapmans have acknowledged that they did agree to take as many eggs of Deming as he would bring them at nine pence a dozen; and it being proved that Deming carried them 292 eggs, which Chapmans took with a full knowledge that Deming intended to have credit for them, it only remains to examine whether Deming had a right to buy property as it was offered him, and sell the same at an advanced price; and whether he used any undue means, or took advantage of ignorance, in making the contract with Chapmans.

There were two contracts made by Deming, with Chapmans, one was for Goods, and the other for a Stove, and both on the same conditions except having a note for the Stove, and on interest, because so much at one time; and the Stove was to be paid for, in *one year* in cash, or produce before the note became due; of course the account was payable in the same way. But it may be said that the account was due, or over a years standing at the commencement of the suit. This is in *part* correct, Deming and Chapmans settled book accounts on the 25th of November, 1818, he gave Chapmans a note for the balance, and they held one other note against him, which was given on a former settlement, a part of which had been paid; after Deming signed the note, he says to Asa Chapman, "I shall have no money to pay those notes until February, if you cannot wait till then, let me know it, and I will secure you, or give you judgment on them, for I do not want to be sued on them." Asa replied, "you need not be afraid of being sued by us, without our giving you notice." Deming on the first or second day of December bought Goods of Chapmans on credit, to the amount of 62 cents, and on the 5th of December he had a writ on one of those notes by Asa Chapmans order, and without any other notice, except that of *greeting*. Deming sold them four bushels of Ashes at 67 cents, on the 9th of Dec. which overpaid the account five cents, and it stood in that way till May the 20th, 1820, which day, he sold them a pair of Cattle, which paid the other note, the balance of the execution, and took a note of them against a third person, and the balance still due toward the Cattle was \$1, 50, which they wished him to take in goods, and gave him credit for the same on book, and before he had taken his pay of them, the contract was made as mentioned by Flagg, and

before that was all paid, the contract was made in August, as before mentioned.

The foregoing contracts, Deming had a right to pay according to agreement, for there is no doubt but what Chapmans sold their articles on such a contract, at more advance than they would in case they got cash in hand, and Deming had a right to pay his money to who he pleased, which I think no person will have the hardihood to deny; and as Chapmans did agree to take of Deming any such articles of produce as they were taking in at the Store, of their customers, and endorse the same on that note which was given for the Stove; they were *morally bound* to fulfil that contract according to the mutual understanding of both parties; although the note was written for cash in one year, they were as much bound in *justice* to take produce, as they would be if the note had been *written* payable in produce, and such was the fact, and was fully proved to the Court, it follows of course, that as they were taking all the *eggs* they could get at that time, Deming had a right to carry them as many as he pleased, and they were bound to take them on that contract if no other, and if Deming offered to let Wightman endorse them on that Stove note, and he chose to have them go on the *account*, which Deming agreed to; I cannot discover why they ought not to go on the account, for Deming and Wightman must have had that understanding at the time Wightman took them, and carried a part of them home. Deming made Asa the offer, that he might endorse them on that Stove note, and then he would pay him the money and balance the account, which he refused to do.

Is this using *undue* means in making a contract? Is it such a contract that Deming ought to pay two or three hundred dollars for making? What has the buyer to do in such cases? Has he a right to buy property on credit, and then to evade paying for the same by showing that the seller sold for more than it cost them? If this is the case, I must confess it is a new principle of law, hitherto unknown. Suppose you buy a horse, and give a note for it payable in Wheat in six months at the market price, and your wheat crop should be cut off, and another person should offer you wheat at 25 per cent discount, for cash, from the market price; do you suppose that you should possess the right to buy according to the offer made you; and do you suppose that wheat bought in that way would fulfil your contract? No doubt you would

think any fool might answer that question if he had wit enough to pronounce the word, "yes." Then away with such foolish suppositions, and say, that Deming possessed the same right. "*Let him that is without Sin, cast the first stone.*"

The (unintentional I believe) false statements of Chapman's Clerk, (Francis Wilson,) must have had considerable influence on the minds of the Auditors in favor of disallowing the egg charge; Deming asked him, during the trial, this question, "do you not recollect that Wightman offered to pay me in *any articles* out of the Store that I wanted, for the eggs, at the time I carried them to the Store?" His answer was, "he told you he would take them, and pay you for them in such goods as *he would pick*, but no other." Such was *not the fact*, Wightman said nothing about picking the goods, but did offer to pay Deming in *any articles* out of the Store he wanted, and Wightman has told, frequently, that he made Deming that offer, and that he refused to take *Store pay* for them, but wanted to have them go on a note, or on the account. Deming's question would lead the Auditors to suppose that he had agreed to take *Store pay* for them; and the Clerk's answer would lead them to suppose it was such goods as he, Wightman, should pick, and no such articles being demanded, the charge could not be allowed on the account.

It is possible that some may have an opinion that Chapmans could not have disposed of so many eggs, before they would have rotted; but it is a *fact*, that at *one* Store in this village was sold from 80 to 100 dozen of hens' eggs to keep Fast day with in April 1822, beside many more at other Stores.

Some no doubt will be of opinion that Deming *could not* have supposed that Chapmans would have wanted so many eggs of him at that price, when they were selling at the same price. If the account was due in cash at the time, and no other contract between them that was payable in produce, it would be hardly *possible* for him to have such an opinion; but if the account was payable in produce, before it was due, and not due till August, it is to be supposed that the sooner they had the produce, the better it would be for them, in order to be turning the same into cash. How came Wightman to object to Asa's buying *so many eggs* unless he supposed that Deming would bring them more than *three or four* dozen; or how came Wightman to object to Asa's buying as ma-

ny as he pleased, as long as he had the care of the Store concerns? It may be that Wightman did not know as they had made a contract with Deming to take produce of him on the account, or on the Store note, if he did not, the question is easily answered to every intelligent person.

After giving you the closing scene as to the eggs, I shall pass to another part of the case. Soon after the first trial, Deming went to the Chapmans and endeavoured to have the eggs disposed of in such a manner as not to be lost, nor effect the rights of either party in the suit; he also told them that they might dispose of the eggs, and unless they were then liable to pay for them, they should not be made liable on account of disposing of them; he also demanded Store pay of Chapmans for the eggs according as the Jury had decided, which they refused to pay, and also refused to make the compromise offered by Deming, or any other compromise for the saving of the eggs, although they had a number of chances to dispose of them for cash, when they had none on hand except those in dispute. The eggs were kept in the Store room until the month of July, at which time they emitted an insalubrious odour to them, and their Customers; they then took their flight (but not without assistance) to a more elevated place, and lodged in the garret of the Store, and left in the basket, during the *remarkable* hot weather of that season, with no other steady company except Rats, Mice and other Vermin, usually inhabitants of such places; after they had remained in that *solitary place* between *two* and *three weeks*, the *sweet perfumes* descended (because no vent upward) to their late habitation; they were then taken from their *dismal mansion*, and carried to the Barn-Yard, and there deposited in the contents of the yard; after remaining in that situation a few weeks, they were again disturbed by the rumbling noise of an instrument which had been ordered into the yard to put the manure into heaps, and the person who had the management of the instrument came across the eggs, and broke some of them, and among them found a few of them that had two thirds, or three fourths grown dead chickens in them; but whether the eggs contained chickens at the time they were carried to Chapmans, or the hot weather produced them while in the garret, or by the warmth of the Barn Yard, or by the parties with the assistance of *Feather Dresches*, I shall leave for those that are more skilled in *philosophy* than I am, to determine and make report.

The charge by Ripley ought to be paid to Deming, for it is fully proved to be a correct charge, by No. 14, 15, and 16.

The charge by Keeler, although small, is a just charge, and one that Chapmans ought to pay; the Auditors disallowed that charge on the ground that Deming and Chapmans had settled book accounts two or three times after that contract was made. It appears by examining the Juryman's statement (No. 7) that that charge, Chapmans disputed of *ever having*, and by the third paragraph in Reuben Saxton's statement, (No. 13) it appears that Deming was very particular in charging and giving credit even where the trade closed with the making, therefore, the Auditors ought to have looked at Deming's book and seen the former settlements, and if they had not found that charge on his book, and settled, they ought to have allowed it on the trial.

I will state one or two facts in relation to that and the Ripley charges: at every settlement between Chapmans and Deming, after those agreements were made, the subject of those charges was conversed on; but they denied having received pay from Ripley, and denied the contract being made by Keeler—and that Wightman, after he found what Mr. and Mrs. Keeler would attest to, told them that the contract was, that Deming was to take his pay *out of the Store*, and *he had not called for it*; and for the Ripley charge, he had taken Ripley's note, and left the same in Salem, for collection.

The charge by Flagg was dated August 1st, 1819, and the same was credited to Flagg on Deming's book, July 28th 1819, which must have been the day that Flagg, Deming and Asa Chapman made the contract as stated by Flagg. Chapmans had not, at that time, such goods as Deming wanted, but was expecting some soon; not many days after, Deming called and got such goods as he wanted, which was a piece of blue nankin, and at the same time told Asa that he might charge the same to him and give him credit by Flagg, (and am very sure told him the amount,) or that he might charge the same to Flagg, delivered to him, and told him that he should charge them what Flagg was owing him, and give them credit for the goods as he took them.

The conduct of Chapmans in this transaction appear strongly allied to dishonesty; and if they have a conscience "void of offence," in doing as they have done, I am at a loss to tell what the same is composed of, whether *Flint or Dia-*

mond. I am fully of opinion that if Chapman had settled with Mr. Flagg, by footing up the accounts, and paid him according to the balance, and said nothing about Deming at all, it would have placed him in a much better situation for trial, than it would in the manner he did settle; and it fully appears to have been Chapman's intention to receive the pay of Mr. Flagg, and defraud the same out of Deming; and in consequence of his getting Flagg out of the State on the 11th of Sept. and the Auditors refusing Deming an adjournment, he has so far accomplished his object. The charge by Flagg was allowed to Deming by the first Jury, of course Chapman must have known it, and the amount of it; and unless he could so work it as to get Mr. Flagg off, and deprive Deming of his testimony, he found in all probability his cause was gone; for he must have known that the former decision as to the eggs, was in the face and eyes of the law, and that Store pay had been demanded for the eggs previous to the commencement of the suit, and after the decision of the Jury also.

Why did not Chapman inform Deming, that Flagg was going away as he did: and tell him also that he was owing Flagg, and that Flagg would take Store pay for the balance, and offer the Store pay to Deming, in the room of settling with Flagg as he did, and enjoining it on him to keep the transaction secret from Deming? The reason is very obvious—his fears were, that if Deming found out the thing, he should be troubled with Flagg's testimony in Court, which was testimony he did not, at that time, stand in need of.

Some may be of opinion that Deming ought to lose the cause, because he did not get the whole facts within Flagg's knowledge, in the deposition he took in Fair-Haven; and that no new trial ought to be granted upon evidence which might have been procured at a former trial, with reasonable diligence. I ask, how can a person guard against unexpected false statements, and false testimony? For instance, a person procure a deposition from a distance, and it contains sufficient to answer the purpose for which it is taken, but the deponent has a knowledge of other facts, but no one has an idea that those facts can have any influence in the cause, and omitted in the deposition; but during the trial, some false-evidence appears, which the party had, nor could have any idea of, and of course unprepared to meet it; he asks for an adjournment, but it is refused, and judgment is given against him; but had

the other facts, known by the deponent, been in the deposition, it would have clearly shown the evidence was materially false; I ask, is there no way that those other facts can come in for the benefit of the losing party? If I understand it right, this is why the power is given to the Courts to grant new trials, so that a judgment given against a person, by reason of *unexpected falsehoods*, may be righted by a new trial. How stands this case? Here was a suit brought by Chapmans *vs* Deming because he would not take back some hens' eggs that he had sold them a few days before, and they disputed every charge in Deming's account except what was paid them directly by Deming, and this Flagg charge was disputed, but allowed by the Jury, by reason of Flagg's testimony; but one of the Jury telling Chapmans that he should not allowed the charge if Flagg had not been present, and Chapmans having a knowledge of Flagg's intention to remove to the west, in the Fall, they procured two adjournments and effected their purpose as stated. Deming took Flagg's deposition in Fair-Haven by Isaac Cutler, Esq. a very slow writer, the same day the Audit was, and having a short time to get home in season for trial, which was at 9 o'clock, it is not to be supposed that he would wish to hinder the Justice, the deponent, and himself, in order to have the deposition as long as the *moral law*, when at the time, he, nor the Justice, had any idea but that the deposition as it was, would answer the purpose for which it was intended; and it would have done it, had it not been for the unexpected false statements made at the trial. Could Deming have supposed that Asa Chapman, after he had got Flagg off as he did, would have told the Auditors that Deming influenced him off in order to get a deposition to suit himself? Or, because Flagg testified at the first trial, that he had about the time the suit was commenced, offered Deming an order on Chapmans for what he was owing him, and of his *refusing to take the order, unless Chapmans would discount it according to the former agreement*, could Deming have supposed that Chapmans would stated from that, that he did ask Flagg for an order on Chapmans for *Store pay*? Could Deming supposed that Chapmans would told the Auditors that the contract was *conditional*, when no such thing was stated at the first trial, or while Flagg was present? Could Deming have supposed that Chapmans' clerk, would remember a transaction that never existed, *five months*, when he did not remember it *ten days*, or at the first trial? Or, could Deming have supposed

that Asa Chapman would have laid himself open to the law, by endeavoring to influence Isaac Stearns to testify different from what he had done at the first trial, when he, at the same time *knew* that Stearns had sworn to the truth at the first trial? I think your answers must be in the negative. Then if Chapmans have got \$9, 14, of Deming's money, and refuse to pay it, and by reason of getting it, have subjected' him to a bill of cost of between *two* and *three* hundred dollars: I ask you to say, and to say candidly, and honestly, whether Deming is not justly entitled to a new trial.

I shall close this concern. after giving you my views of the propriety, and constitutionality of the Legislature's granting relief to injured persons, in cases of this kind.

The 4th article of the Constitution of Vermont is as follows:—"Every person within this State ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character: he ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay, conformably to the laws."

The 9th section of the 2d chapter of the Constitution says that the General Assembly of the State of Vermont shall have certain powers, and among them are, the power to redress grievances; and all other powers necessary for the legislature of a free and sovereign State.

The 6th section of the same chapter is as follows:

"The Legislative, Executive, and Judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to the other."

The General Assembly of Vermont, in March, 1797, pursuant to the powers vested in them by the constitution, constituted a Supreme Court, and several County Courts, and gave them power to decide various causes between parties, but gave them no power to grant new trials; and had the Legislature, before giving the power to the Courts, exercised the right, or power of granting new trials, they would not have interfered with the rights of the Judiciary, for the Courts had no such power to exercise.

In November, 1797, an act was passed, giving to the Supreme Court, and the several County Courts, within this state, power to grant new trials, in all cases within their respective jurisdictions, according to the usages of law;—either

on motion, at the same session in which judgment was rendered in said cause, or by petition, to any subsequent session of the *same* Court, in which the original judgment was rendered.

To the aforesaid act, are some provisos, one is, that no new trial shall be granted by either of said Courts, in any civil cause, in which the reason assigned for granting a new trial is founded on a *difference of opinion* as to *matter of fact*, between the Court and Jury (not Auditors) which tried the cause; and another is, that the petition, and citation must be served on the adverse party within *two years, next, after the rendition of the original judgment*.

It is therefore plain to be seen, that unless the petition and citation be served on the adverse party within two years from the rendition of the original judgment, the Courts do not possess the power to grant a new trial in the cause. I ask, where shall a person apply for a new trial? Shall he apply to a Court that has no power to grant it, or shall he apply to the Legislature who have the power to redress grievances, and all other powers necessary for the Legislature of a free and sovereign state? Any person of candor must say, apply to the Legislature, for that is the place and the only place that application can be made with the least possible hope of success; yet we find some persons so unwilling to have a poor man obtain his rights, that they will contend that the Legislature are interfering with the rights of the Judiciary in granting a new trial, and those men generally compose the committee of new trials, and being determined to report against the prayer of the petition, it is reasonable to suppose that they do not give the subject that careful investigation which they would do, in case they believed the Legislature possessed the right to grant new trials; and I would suggest the propriety of having the committee of new trials composed of men differing in their opinion as to the power of the Legislature of granting new trials; for then, some of the committee, in case the petition was a meritorious one, would be able and willing to explain to the Legislature the *material* facts in the case, and thus the members would be able to ascertain whether the petition ought, or ought not to be granted, without spending several hours in the examination of a long complicated mass of testimony.

But, says the objector, Why are nearly all the Lawyers and Judges whose interest is in having law suits, and who must, or ought to understand the law, opposed to the Legislature's

granting new trials? The Judges are nothing more than men, and men have their prejudices, and I have known men very much prejudiced in favor of their own opinion, and I have known Judges who were so prejudiced in favor of their opinion that they were unwilling that their opinion should be called in question before the Legislature, from which they were expecting a reappointment to the office, for they knew they could give no reason for their opinion, and hence arises their opposition to the Legislature's granting new trials or examining their proceedings and judgments.

It is supposed by many, that Lawyers would be in favor of new trials, in order to have more business in their profession; but this, I consider to be a wrong supposition. Most persons, though inclined to engage in hazardous enterprises, yet, they wish to see the result of them before a great length of time expires; and where a law-suit is kept in Court, six, eight, or ten years, no doubt there are many, who will wait the result of such suit before they commence one, and when those lengthy suits do end, they frequently end in the undoing of both parties, and the consequence is, many settle their controversies, without resorting to the law.

The practice of appointing Auditors in book actions, is, in my view, a poor way of doing business; it gives to the rich, and influential a great advantage over the poorer class; the rich, having many friends, are able to ascertain how a person has decided in similar cases; and if they find it probable that a person will be in their favor, he is generally appointed an Auditor in their cause; and we have some reason to fear, that Auditors, when *not under oath*, sometimes have two ears, and both on the off side; and their doings are generally as valid as the laws of the "Medes and Persians, which altereth not," for no evidence can come before the Court, on exceptions to their report, except what *they* state to the Court, and it generally happens that they recollect almost enough to satisfy themselves, that they have done right; and the Courts, feeling no responsibility for others doings, generally accept the reports, whether right or wrong. But it is not so with Jurors, they are under the inspection of the Courts, and from different parts of the county, and have but a short notice to appear, and they do not, generally, get their minds so prepossessed in favor of one party as Auditors are apt to; but the best, and cheapest way is, for both parties to do right, and settle their own disputes. "*By others faults correct your own.*"

SINGULAR CASES OF EXECUTION.

Case of James Crow, alias Thomas Geddely, who was executed at York, England, for a Burglary, in the year 1727.

Thomas Geddely lived, as a waiter, with Mrs. Hannah Williams, who kept a public house at York. It being a house of much business, and the mistress very assiduous therein, she was deemed in wealthy circumstances. One morning her scrutoire was found broken open and robbed, and Thomas Geddely disappearing at the same time, there was no doubt left as to the robber. About a twelvemonth after, a man calling himself James Crow, came to York, and worked a few days, for a precarious subsistence, in carrying goods as a porter. By this time he had been seen by many, who accosted him as Thomas Geddely. He declared he did not know them—that his name was James Crow, and that he never was at York before : this was held as merely a trick, to save himself from the consequences of the robbery committed in the house of Mrs. Williams, when he lived with her as waiter.

His mistress was sent for, and, in the midst of many people, instantly singled him out; called him by his name, (Thomas Geddely) and charged him with his unfaithfulness and ingratitude in robbing her.

He was directly hurried before a justice of the peace, but, on his examination, absolutely affirmed, that he was not Thomas Geddely—that he knew no such person—that he never was at York before, and that his name was James Crow. Not, however, giving a good account of himself, but rather admitting himself to be a vagabond and a petty rogue, and Mrs. Williams and another, swearing positively to his person, he was committed to York Castle, for trial at the next assizes.

On arraignment, he pleaded—not guilty, still denying that he was the person he was taken for; but Mrs. Williams, and some others, swearing that he was the identical Thomas Geddely, who lived with her when she was robbed, and who went off immediately on the commitment of the robbery, and a servant girl deposing that she saw him that very morning, in the room where the scrutoire was broken open, with a po-

ker in his hand, and the prisoner being unable to prove an *alibi* he was found guilty of the robbery. He was soon after executed, but persisted, to his latest breath, that he was not Thomas Geddely, and that his name was James Crow.

And so it proved! For, some time after, the true Thomas Geddely, who, on robbing his mistress, had fled from York to Ireland, was taken up in Dublin for a crime of the same stamp, and there condemned and executed. Between his conviction and execution, and again at the fatal tree, he confessed himself to be the same Thomas Geddely who had committed the robbery at York, for which the unfortunate James Crow had been executed.

We must add, that a gentleman, an inhabitant of York, happening to be in Dublin at the time of Geddely's trial and execution, and who knew him when he lived with Mrs. Williams, declared that the resemblance between the two men was so exceedingly great, that it was next to impossible for the nicest eye to have distinguished their persons asunder.

Case of John Miles, who was executed at Exeter, England, for the murder of William Ridley.

William Ridley kept the Red Cow, a public house, at Exeter. John Miles was an old acquaintance of Ridley's, but they had not seen each other for some time, (Miles living some distance off) when they met one morning, as the latter was going a little way to receive some money. They adjourned to the next public house, and, after drinking together, Ridley told Miles that he must go about the business which brought him from home, which was to receive a sum of money, but made him promise to wait for his coming back. Ridley returned, and they drank together again. Ridley now insisted upon Miles' accompanying him home to dinner. They dined, they drank, they shook hands, repeated old stories, drank and shook hands again and again, as old acquaintances in the lower class, after long absences, usually do; in fine, they both got, at last, pretty much in liquor.

The room they sat in was backwards, detached as it were from the house, with a door that went immediately into a yard, and had communication with the street, without passing through the house.

As it grew late, Mrs. Ridley at length came into the room, and not seeing her husband there, made inquiry after him of Miles. Miles being much intoxicated, all that could be got

out of him was, that Ridley went out into the yard some time before, as he supposed, on account of there being no chamber-pot in the room, and had not returned. Ridley was called, Ridley was searched after, by all the family; but neither answering, nor being to be met with, Miles, as well as he was able for intoxication, went his way.

Ridley not coming home that night, and some days passing without his returning, or being heard of, suspicions began to arise, in the mind of Mrs. Ridley, of some foul play against her husband, on the part of Miles; and these were not a little increased, on the recollection that her husband had received a sum of money that day, and that Miles had replied to her inquiries after him, in a very incoherent, unintelligible, broken manner; which, at the time, she had attributed to his being in-liquor.

These suspicions went abroad, and at length a full belief took place in many, that Miles was actually the murderer of Ridley; had gone out with him, robbed and murdered him, disposed of the body, and slid back again to the room where they were drinking, unseen by any one.

The officers of justice were sent to take up Miles, and he giving, before the magistrate, a very unsatisfactory relation of his parting with Ridley, which he affirmed was owing to his having been intoxicated when Ridley went out of the room from him, but which the magistrate ascribed to guiltiness; he was committed to Exeter gaol for trial.

Whilst Miles was in confinement, a thousand reports were spread, tending to warp the minds of the people against him. Supernatural as well as natural reasons were alleged in proof of his guilt. Ridley's house was declared to be haunted! frequent knockings were heard in the dead of the night; two of the lodgers avowed they had seen the ghost! and to crown the whole, an old man, another lodger, positively affirmed, that once, at midnight, his curtains flew open—the ghost of Ridley appeared all bloody! and, with a piteous look and hollow voice, declared that he had been murdered, and that Miles was the murderer.

Under these prepossessions among the weak and superstitious, and a general prejudice even in the stronger minds, was John Miles brought to trial for the wilful murder of William Ridley. *Circumstances upon circumstances* were deposed against him; and as it appeared that Miles was with Ridley the whole day, both before and after his receiving the money,

and that they spent the afternoon and evening together alone, the jury, who were neighbors of Ridley, found Miles guilty, notwithstanding his protestations, on his defence, of innocence; and he was shortly after executed at Exeter.

It happened, some time after, that Mrs. Ridley left the Red Cow to keep another alehouse, and the person who succeeded her, making several repairs in and about the house, in emptying the necessary, which was at the end of a long dark passage, the body of William Ridley was discovered. In his pockets were found twenty guineas, from whence it was evident he had not been murdered, as the robbing of him was the sole circumstance that could be, and was ascribed to Miles, for murdering of Ridley. The truth of Miles' assertions and defence, now became doubly evident; for it was recollected that the floor of the necessary had been taken up the morning before the death of Ridley, and that, on one side of the seat, a couple of boards had been left up; so that, being much in liquor, he must have fallen into the vault, which was uncommonly deep; but which, unhappily, was not adverted to at the time of his disappearance.

Two men were seen fighting together in a field. One of them was found, soon after, lying dead in that field. Near him lay a pitchfork, which had apparently been the instrument of his death. The pitchfork was known to have belonged to the person who had been seen fighting with the deceased; and he was known to have taken it out with him that morning. Being apprehended and brought to trial, and these circumstances appearing in evidence, and also that there had been for some time an enmity between the parties, there was little doubt of the prisoner's being convicted, although he strongly persisted in his innocence; but, to the great surprise of the court, the jury, instead of bringing in an immediate verdict of guilty, withdrew; and, after staying out a considerable time, returned and informed the court, that eleven out of the twelve, had been from the first for finding the prisoner guilty; but that one man would not concur in the verdict. Upon this, the judge observed to the dissenting person the great strength of the circumstances, and asked him, "how it was possible, *all circumstances considered*, for him to have any doubts of the guilt of the accused?" But no arguments that could be urged, either by the court or the rest of the jury, could persuade him to find the prisoner guilty; so that

the rest of the jury were at last obliged to agree to the verdict of acquital.

This affair remained for some time mysterious ; but it at length came out, either by the private acknowledgment of the obstinate jurymen to the judge who tried the cause, (who is said to have had the curiosity to inquire into the motives of his extraordinary pertinacity) or by his confession at the point of death, (for the case is related both ways) that he himself had been the murderer ! The accused had, indeed, had a scuffle with the deceased, as sworn on the trial, in which he had dropped his pitchfork, which had been, soon after, found by the jurymen, between whom and the deceased, an accidental quarrel had arisen in the same field ; the deceased having continued there at work after the departure of the person with whom he had been seen to have the affray ; in the heat of which quarrel, the jurymen had unfortunately stabbed him with that very pitchfork, and had then got away totally unsuspected : but finding, soon after, that the other person had been apprehended on suspicion of being the murderer, and fearing, as the circumstances appeared so strong against him, that he should be convicted, although not guilty, he had contrived to get upon the jury, as the only way of saving the innocent, without endangering himself.

Case of Thomas Harris, who was executed at York, England, for the Murder of James Gray, in the year 1642.

Thomas Harris kept the Rising Sun, a public house, about eighteen miles from York, on the road to Newcastle. Harris had a man and a maid servant : the man, whose name was Morgan, he kept in the threefold capacity of waiter, hostler, and gardner. James Gray, a blacksmith, travelling on foot to Edinburgh, stopped at Harris's, supped, and lay there. Early in the morning, Morgan went secretly to a neighbouring magistrate, and gave information that his master, Harris, had just then murdered the traveller, James Gray, in his bed. A warrant was issued, and Harris was apprehended. Harris positively denied the charge, and Morgan as positively affirmed it ; deposing that he saw Harris on the stranger's bed, strangling him, but that he came too late to save him ; and that Harris's plea was, the deceased was in a fit, and he was only assisting him. Morgan further deposed, that he instantly retired and made a feint as if going down stairs, but creeping up very softly to an adjoining room, he there, thro'

a key-hole, saw his master rifling the breeches of the deceased.

Harris peremptorily denied every part of this story, from the beginning to the end; and the body having, by order of the magistrate, been inspected, and no mark of violence appearing thereon, Harris was nearly on the point of being discharged, when the maid servant desired also to be sworn.—She deposed, that almost directly after her master came down in the morning, as she must conceive, from the traveller's room, she saw him go into the garden, (being, unknown to her master, in a back wash-house which overlooked it) saw him take some gold out of his pocket, wrap it up in something, and bury it at the foot of a tree, in a private corner of the place.

Harris turned pale at the information! He would give no direct answer to the circumstance of the money! A constable was despatched with the girl, and the cash, to the amount of upwards of thirty pounds, was found! The accused acknowledged the hiding of that money, but he acknowledged it with so many hesitations, and answered every question with such an unwillingness, such an apparent unopenness, that all doubts of his guilt were now done away, and the magistrate committed him for trial.

Harris was brought to the bar, at York summer assizes, which happened about a week after his commitment, in 1642. Morgan deposed the same as when before the justice. The maid servant and the constable deposed to the *circumstance* of the money; the first, as to the prisoner's hiding, and both as to the finding of it. And the magistrate gave testimony to the confusion and hesitation of Harris on the discovery of, and being questioned about, the hiding of the money.

Harris, on his defence, endeavoured to invalidate the charge by assertions that the whole of Morgan's evidence was false; that the money which he buried was his own property, honestly come by, and buried there for his better security; and that his behavior before the magistrate, on this particular, arose from the shame of acknowledging his natural covetousness—not from any consciousness of guilt. The judge then summed up the evidence, remarking strongly on the *circumstance* of the hiding of the money, and of the weakness of the prisoner's reasons for his so hiding of it; and the jury, just consulting together for *two minutes*, brought in their verdict—guilty.

Harris was executed pursuant to his sentence, persevering in his declarations of innocence, but desiring all persons to guard against the effects of an avaricious disposition ! for it was that sordidness of temper which had led him, he said, into general distrustfulness, and that into the expedient of hiding his money ; which *circumstance* had alone furnished the means to his enemies (for what reason they were so, he said he knew not, but whom he forgave) for bringing him to an ignominious death.

The truth of the fact at last came out : Harris was indeed entirely innocent !

Morgan and the maid were not only fellow servants but sweethearts. Harris's suspecting covetous temper was well known to both, and the girl once, by accident, perceiving her master burying something, discovered the circumstance to Morgan ; he, acting as gardner, took an opportunity, when at work, to dig for it ; it proved to be five guineas ; he left it and informed the girl of it. They settled it not to touch the money, but to keep watching their master, as they had no doubt but he would add to it ; and, when it arose to a good sum, they agreed to plunder the hiding place together, marry, and, with the spoil, set up in some way of business. As they imagined, so it happened ; they got several occasions to see the stock increasing, but (equally covetous with their master) the golden harvest was not yet ripe !

One day, in a quarrel, Harris strikes his man Morgan several times. Morgan determines on revenge : at this fatal period arrives James Gray. Morgan finds him, the next morning, dead in his bed. The diabolical thought strikes Morgan, of first charging Harris with the murdering and robbing of Gray, and then of plundering his master's hiding-place, whilst he (the master) shall be in prison. Morgan communicates this intention to the maid : she approves of it ; they consult and fix on the plan, and Morgan gives the information to the magistrate as before related. The girl, unexpectedly, finds the accusation not sufficiently supported, and fears that her sweetheart, of whom she is fond, will be punished for perjury, if her master is released ; who indeed, unfortunately, had just hinted as much before the justice. The expedient, in a moment, strikes her to sacrifice the hidden money, and with it her master, to the safety of her paramour ; and the idea, as the reader already knows, fatally succeeds !

The whole of this stupendous piece of wickedness came to

light in the beginning of the year 1643, on a quarrel between Morgan and the girl; who, after the death of Harris, had lived together as man and wife.

They were taken up in consequence, and committed to prison, but escaped the public punishment due to their crime, by both of them dying of a jail disease.

Harris's innocence became afterwards further illustrated, by its being found out that James Gray, the supposed murdered person, had had two attacks of an apoplexy, some months previous to his death, and that he never was master of five pounds at one time in his life.

Case of a Girl at Liege.

In the year 1764, a citizen of Liege was found dead in his chamber, shot in the head. Close to him lay a discharged pistol, with which he had apparently been his own executioner. Firearms are the chief manufacture of that city; and so common is the use of pistols at that place, that every peasant, who brings his goods to the market there, is seen armed with them: so that the circumstance of the pistol did not, at first, meet with so much attention as it might have done in places where those weapons are not in such common use. But, upon the researches of the proper officer of that city, whose duty, like that of our coroner, it is to inquire into all the circumstances of accidental deaths, it appeared, that the ball, which was found lodged in the head of the deceased, could never, from its size, have been fired out of the pistol which lay by him; thus it was clear that he had been murdered; nor were they long in deciding who was the murderer.

A girl of about sixteen, the niece of the deceased, had been brought up by him, and he had been always supposed to have intended to leave her his effects, which were something considerable; but the girl had then lately listened to the addresses of a young man whom the uncle did not approve of, and he had, upon that occasion, several times threatened to alter his will, and leave his fortune to some other of his relations. Upon these, and some other concurrent circumstances, such as having been heard to wish her uncle's death, &c. the girl was committed to prison.

The torturing a supposed criminal, in order to force confession, is certainly the most cruel and absurd idea that ever entered into the head of a legislator! This being observed by the writer of this narrative, who was then at Liege, to a

magistrate of that place, on this very occasion, his defence was—"We never condemn to the torture but upon circumstances on which you in England would convict; so that the innocent has really a better chance to escape than with you." But, until it is proved that pain has a greater tendency to make a person speak truth than falsehood, this reasoning seems to have little weight.

This unhappy girl was, therefore, horridly and repeatedly tortured; but still persevering in asserting her innocence, she at last escaped with life; if it could be called an escape, when it was supposed she would never again enjoy health or limbs, from the effects of the torture.

The writer has since learned, that some years afterwards, her innocence became manifest, by the confession of the real assassins, who, being sentenced to the wheel for other crimes, confessed themselves the authors of this, of which the girl had been suspected; and that, several pistols having been discharged at the deceased, they had, intended that it should appear a suicide, laid a pistol near him, without adverting that it was not the same by which he fell.

Case of William Shaw, who was executed at Edinburgh, for the murder of his daughter, in the year 1721.

William Shaw was an upholsterer, at Edinburgh, in the year 1721. He had a daughter, Catharine Shaw, who lived with him. She encouraged the addresses of John Lawson, a jeweller, to whom William Shaw declared the most insuperable objections, alledging him to be a profligate young man, addicted to every kind of dissipation. He was forbidden the house; but the daughter continuing to see him clandestinely, the father, on the discovery, kept her strictly confined.

William Shaw had, for some time, pressed his daughter to receive the addresses of a son of Alexander Robertson, a friend, and neighbor; and one evening, being very urgent with her thereon, she utterly refused, declaring she preferred death, to being young Robertson's wife. The father grew enraged, and the daughter more positive; so that the most passionate expressions arose on both sides, and the words, "*barbarity, cruelty, and death,*" were frequently pronounced by the daughter! At length he left her, locking the door after him.

The greatest part of the buildings at Edinburgh are formed on the plan of the chambers in our inns of court; so that ma-

ny families inhabit rooms on the same floor, having one common staircase. William Shaw dwelt in one of these, and a single partition only, divided his apartment from that of James Morrison, a watch-case maker. This man had indistinctly overheard the conversation and quarrel between Catharine Shaw and her father, but was particularly struck with the repetition of the above words, she having pronounced them loudly, and emphatically! For some little time after the father was gone out, all was silence, but presently Morrison heard several groans from the daughter. Alarmed! he ran to some of his neighbors under the same roof. These, entering Morrison's room, and listening attentively, not only heard the groans, but distinctly heard Catharine Shaw, two or three times, faintly exclaim, "*Cruel father, thou art the cause of my death!*" Struck with this, they flew to the door of William Shaw's apartment; they knocked—no answer was given. The knocking was still repeated—still no answer. Suspicions had before arisen against the father; they were now confirmed; a constable was procured, an entrance was forced; Catharine was found weltering in her blood, and the fatal knife by her side! She was alive, but speechless; but, on questioning her as to owing her death to her father, was just able to make a motion with her head, apparently in the affirmative, and expired.

Just at the critical moment, William Shaw returns and enters the room. All eyes are upon him! He sees his neighbors and a constable in his apartment, and seems much disordered thereat; but, at the sight of his daughter, he turns pale, trembles, and is ready to sink. The first surprise, and the succeeding horror, leave little doubt of his guilt in the breasts of the beholders; and even that little is done away, on the constable discovering that the shirt of William Shaw was bloody.

He was instantly hurried before a magistrate, and, upon the depositions of all the parties, committed to prison on suspicion. He was shortly after brought to trial, when, in his defence, he acknowledged the having confined his daughter to prevent her intercourse with Lawson; that he had frequently insisted on her marrying of Robertson; and that he had quarrelled with her on the subject, the evening she was found murdered, as the witness, Morrison had deposed; but he averred, that he left his daughter unarmed and untouched; and that the blood found upon his shirt was there in consequence

of his having bled himself some days before, and the bandage becoming untied. These assertions did not weigh a feather with the jury, when opposed to the strong circumstantial evidence of the daughter's expressions, of "barbarity—cruelty—death," and of "cruel father, thou art the cause of my death"—together with that apparently affirmative motion with her head—and of the blood so seemingly providentially discovered on the father's shirt. On these several concurring circumstances, was William Shaw found guilty, was executed, and was hanged in chains at Leith Walk, in November, 1721.

Was there a person in Edinburgh who believed the father guiltless? No, not one! notwithstanding his latest words at the gallows were, "I am innocent of my daughter's murder."

But in August, 1722, as a man, who had become the possessor of the late William Shaw's apartments, was rumaging, by chance, in the chamber where Catharine Shaw died, he accidentally perceived a paper, fallen into a cavity on one side of the chimney: It was folded as a letter, which opening, it contained the following:

"Barbarous Father,

"Your cruelty in having put it out of my power ever to join my fate to that of the only man I could love, and tyrannically insisting upon my marrying one whom I always hated, has made me form a resolution to put an end to an existence which is become a burden to me. I doubt not I shall find mercy in another world; for sure no benevolent being can require that I should any longer live in torment to myself in this! My death I lay to your charge; when you read this, consider yourself as the inhuman wretch that plunged the murderous knife in the bosom of the unhappy

CATHARINE SHAW."

This letter being shown, the hand writing was recognised and avowed to be Catharine Shaw's, by many of her relations and friends. It became the public talk; and the magistracy of Edinburgh on a scrutiny, being convinced of its authenticity, they ordered the body of William Shaw to be taken from the gibbet, and given to his family for interment; and, as the only reparation to his memory and the honor of his surviving relations, they caused a pair of colors to be waved over his grave, in token of his innocence.

Case of John Jennings, who was executed at Hull, in England, for a Highway Robbery, in the year 1742.

A gentleman, travelling to Hull, was stopped late in the evening, about seven miles short of it, by a single highwayman, with a mask on, who robbed him of a purse containing twenty guineas. The highwayman rode off a different road, full speed, and the gentleman pursued his journey. It, however, growing late, and he being already much affrighted and agitated at what had passed, he rode only two miles farther, and stopped at the Bell Inn, kept by Mr. James Brunell. He went into the kitchen to give directions for his supper, where he related, to several persons present, his having been robbed; to which he added this peculiar circumstance, that when he travelled he always gave his gold a particular mark; that every guinea in the purse he was robbed of, was so particularly marked, and that, most probably, the robber, by that means, would be detected. Supper being ready, he retired. He had not long finished his supper, before Mr. Brunell came into the parlour. After the usual inquiries of landlords, of hoping the supper and every thing was to his liking, &c. &c. "Sir," says he, "I understand that you have been robbed not far from hence, this evening."—"I have, sir." "And that your money was all marked?" "It was." "A circumstance has arisen which leads me to think that I can point out the robber."—"Indeed!"—"Pray, sir, what time in the evening was it?"—"It was just setting in to be dark." "The time confirms my suspicions!" Mr. Brunell then informed the gentleman that he had a waiter, one John Jennings, who had, of late, been so very full of money, at times, and so very extravagant, that he had had many words with him about it, and had determined to part with him on account of his conduct being so very suspicious; that, long before dark, that day, he had sent him out to change a guinea for him, and that he had only come back since he (the gentleman) was in the house, saying, he could not get change; and that Jennings being in liquor, he had sent him to bed, resolving to discharge him in the morning. That, at the time he returned him the guinea, he (Mr. Brunell) did not think it was the same which he had given him to get silver for, having perceived a mark upon this, which he was very clear was not upon the other; but that, nevertheless, he should have thought no more of the matter, as Jennings had so frequently gold of his own in his pocket, had he not afterwards heard (for he

was not present when the gentleman was in the kitchen relating it) the particulars of the robbery, and that the guineas, which the highwayman had taken, were all marked; that, however, a few minutes previously to his having heard this, he had unluckily paid away the guinea which Jennings returned him, to a man who lived some distance off, and was gone; but the circumstance of it struck him so very strongly, that he could not, as an honest man, refrain from giving this information.

Mr. Brunel was thanked for his attention and public spirit. There was the strongest room for suspecting of Jennings; and if, on searching him, any of the marked guineas should be found, as the gentleman could swear to them, there would then remain no doubt. It was now agreed to go softly up to his room: Jennings was fast asleep; his pockets were searched, and from one of them was drawn forth a purse containing exactly nineteen guineas. Suspicion now became demonstration, for the gentleman declared them to be identically those which he had been robbed of! Assistance was called—Jennings was awakened, dragged out of bed, and charged with the robbery. He denied it firmly, but circumstances were too strong to gain him belief. He was secured that night, and the next day carried before a neighboring justice of the peace. The gentleman and Mr. Brunel deposed the facts on oath; and Jennings having no proofs, nothing but mere assertions of innocence to oppose them, which could not be credited, he was committed to take his trial at the next assizes.

So strong were the circumstances known to be against him, that several of his friends advised him to plead guilty on his trial, and to throw himself on the mercy of the Court. This advice he rejected, and, when arraigned, pleaded not guilty. The prosecutor swore to the being robbed; but that, it being nearly dark, the highwayman in a mask, and himself greatly terrified, he could not swear to the prisoner's person, though he thought him of much the same stature as the man who robbed him. To the purse and guineas, which were produced in court, he swore—as to the purse, positively—as to the marked guineas, to the best of his belief, and that they were found in the prisoner's pocket.

The prisoner's master, Mr. Brunell, deposed to the fact as to the sending of the prisoner to change a guinea, and of his having brought him back a marked one, in the room of the one he gave him unmarked. He also gave evidence as to

the finding of the purse, and the nineteen marked guineas, in the prisoner's pocket. And, what consummated the proof, the man to whom Mr. Brunell paid the guinea, produced the same, and gave testimony to the having taken it, that night, in payment, of the prisoner's master. Mr. Brunel gave evidence of his having received of the prisoner that guinea, which he afterwards paid to this last witness. And the prosecutor comparing it with the other nineteen, found in the pocket of the prisoner, swore to its being, to the best of his belief, one of the twenty guineas of which he was robbed by the highwayman.

The judge, on summing up the evidence, remarked to the jury, on all the concurring circumstances against the prisoner; and the jury, on this strong circumstantial evidence, without going out of court, brought in the prisoner guilty.

Jennings was executed some little time after at Hull, repeatedly declaring his innocence to the very moment he was turned off.

Within a twelvemonth after, lo! Brunell, Jennings's master, was himself taken up for a robbery done on a guest in his own house; and, the fact being proved on his trial, he was convicted, and ordered for execution. The approach of death brought on repentance, and repentance confession. Brunell not only acknowledged the committing of many highway robberies, for some years past, but the very one for which poor Jennings suffered!

The account he gave was, that he arrived at home by a nearer way, and swifter riding, some time before the gentleman got in who had been robbed. That he found a man at home waiting, to whom he owed a little bill, and that, not having quite loose money enough in his pocket, he took out of the purse one guinea from the one he had got possession of, to make up the sum; which he paid, and the man went his way. Presently came in the robbed gentleman, who, whilst Brunell was gone into the stables, and not knowing of his arrival, told his tale, as before related, in the kitchen. The gentleman had scarcely left the kitchen, before Brunel entered it; and being there informed, amongst other circumstances, of the marked guineas, he was thunderstruck! having paid one of them away, and not daring to apply for it again, as the affair of the robbery and the marked guineas would soon become publicly known—detection, disgrace, and ruin, appeared inevitable. Turning in his mind every way

to escape, the thought of accusing and sacrificing poor Jennings at last struck him. The rest the reader knows.

Case of Jonathan Bradford, who was executed at Oxford, England, for the murder of Christopher Hayes, Esq. in the year 1736.

Jonathan Bradford kept an inn, in Oxfordshire, on the London road to Oxford. He bore a very unexceptionable character. Mr. Hayes, a gentleman of fortune, being on his way to Oxford, on a visit to a relation, put up at Bradford's. He there joined company with two gentlemen, with whom he supped, and, in conversation, unguardedly mentioned that he had then about him a sum of money. In due time they retired to their respective chambers; the gentlemen to a two-bedded room, leaving, as is customary with many, a candle burning in the chimney corner. Some hours after they were in bed, one of the gentlemen, being awake, thought he heard a deep groan in an adjoining chamber; and this being repeated, he softly awaked his friend. They listened together, and the groans increasing, as of one dying and in pain, they both instantly arose, and proceeded silently to the door of the next chamber, from whence they had heard the groans, and, the door being a-jar, saw a light in the room. They entered, but it is impossible to paint their consternation, on perceiving a person weltering in his blood in the bed, and a man standing over him, with a dark lanthorn in one hand, and a knife in the other! The man seemed as petrified as themselves, but his terror carried with it all the terror of guilt. The gentlemen soon discovered that the murdered person was the stranger with whom they had that night supped, and that the man who was standing over him was their host. They seized Bradford directly—disarmed him of his knife, and charged him with being the murderer. He assumed, by this time, the air of innocence—positively denied the crime, and asserted that he came there with the same humane intentions as themselves; for that, hearing a noise, which was succeeded by a groaning, he got out of bed, struck a light, armed himself with a knife for his defence, and was but that minute entered the room before them. These assertions were of little avail; he was kept in close custody till the morning, and then taken before a neighboring justice of the peace. Bradford still denied the murder, but, nevertheless, with such apparent indications of guilt, that the justice hesitated not to

make use of this most extraordinary expression, on writing out his mittimus—"Mr. Bradford, either you or myself committed this murder."

This extraordinary affair was the conversation of the whole country. Bradford was tried and condemned, over and over again in every company. In the midst of all this predetermination, came on the assizes at Oxford. Bradford was brought to trial; he pleaded not guilty. Nothing could be stronger than the evidence of the two gentlemen. They testified to the finding Mr. Hayes murdered in his bed; Bradford at the side of the body with a light and a knife; that knife, and the hand which held it, bloody; that, on their entering the room, he betrayed all the signs of a guilty man; and that, but a few minutes preceding, they had heard the groans of the deceased.

Bradford's defence on the trial was the same as before the gentlemen: he had heard a noise; he suspected some villainy was transacting; he struck a light; he snatched a knife, the only weapon near him, to defend himself; and the terrors he discovered, were merely the terrors of humanity, the natural effects of innocence as well as guilt, on beholding such a horrid scene.

This defence however, could be considered but as weak, contrasted with the several powerful circumstances against him. Never was circumstantial evidence more strong. There was little need of the prejudice of the county against the murderer to strengthen it; there was little need left of comment from the judge, in summing up the evidence; no room appeared for extenuation; and the jury brought in the prisoner guilty, even without going out of their box.

Bradford was executed shortly after, still declaring that he was not the murderer, nor privy to the murder of Mr. Hayes; but he died disbelieved by all.

Yet were these assertions not untrue! The murder was actually committed by Mr. Hayes' footman; who, immediately on stabbing his master, rifled his breeches of his money, gold watch, and snuff-box, and escaped back to his own room, which could have been, from the after circumstances, scarcely two seconds before Bradford's entering the unfortunate gentleman's chamber. The world owes this knowledge to a remorse of conscience in the footman, (eighteen months after the execution of Bradford) on a bed of sickness. It was a death-bed repentance, and by that death the law lost its victim.

It is much to be wished that this account could close here, but it cannot. Bradford, though innocent, and not privy to the murder, was nevertheless the murderer in design : he had heard, as well as the footman, what Mr. Hayes declared at supper, as to the having a sum of money about him ; and he went to the chamber of the deceased with the same diabolical intention as the servant. He was struck with amazement ! he could not believe his senses ! and, in turning back the bed clothes, to assure himself of the fact, he, in his agitation, dropped his knife on the bleeding body, by which both his hands and the knife became bloody. These circumstances Bradford acknowledged to the clergyman who attended him after his sentence.

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Singular discovery of a Female unjustly executed.

The following account of the case of a poor girl, who was so unjustly executed in 1776, is given by a celebrated French author, as an instance of the injustice which was often committed by the equivocal mode of trial in France :

About 17 years since, a young peasant girl, possessed of a very agreeable figure, was placed at Paris in the service of a man depraved by all the vices consequent on the corruption of great cities. Smitten with her charms, he tried every method to seduce her, but she was virtuous and resisted. The prudence of this girl only irritated the passion of her master, who, not being able to make her submit to his desires determined on the most black and horrible revéngé. He secretly conveyed into her box many things belonging to him, marked with his name—he then exclaimed that he was robbed—called in a *commissaire*, a ministerial officer of justice, and made his deposition. The girl's box was searched, and the things were discovered. The unhappy servant was imprisoned. She defended herself only by her tears ; she had no evidence to prove that she did not put the property in her box ; and her only answer to the interrogations was, that she was innocent. The judges had no suspicion of what was done, or of the depravity of the accuser, and they administered the law in all its rigor ; a rigor undoubtedly excessive, which ought to disappear from our code, to give way to a simple but certain penalty, which would leave fewer crimes unpunished. The innocent girl was condemned to be hanged. The dreadful office was ineffectually performed, as it was the first attempt of the son of the great executioner. A

surgeon had purchased the body for dissection, and it was conveyed to the house. On that evening, being about to open the head, he perceived a gentle warmth about the body. The dissecting knife fell from his hand, and he placed in the bed, her, whom he was about to dissect. His efforts to restore her to life were effectual; and at the same time he sent for a priest, on whose discretion and experience he could depend, in order to consult with him on this strange event, as well as to have him for a witness to his conduct. The moment the unfortunate girl opened her eyes, she believed herself in the other world, and perceiving the figure of the priest, who had a marked and majestic countenance, for I knew him, and it is from him that I have this fact, she joined her hands tremblingly, and exclaimed, "Eternal Father, you know my innocence; have pity on me!" In this manner she continued to invoke the ecclesiastic, believing in her simplicity that she beheld her God. They were long in persuading her that she was not dead, so much had the idea of the punishment and of death possessed her imagination. Nothing could be more touching and more expressive than the cry of an innocent being, who thus approached towards him whom she regarded as her Supreme Judge: and independently of her affecting beauty, this single spectacle was sufficient to create the most lively interest in the breast of an observing and sensible man! What a moral for a philosopher! What a lesson for a legislator!

The servant having returned to life, recognized a man, in him, whom she had adored, and who directed her prayers towards the only adorable Being, and quitted the house of the surgeon, who was doubly unquiet on her account and his own. She retired to hide herself in a distant village, fearing to meet the judges or the officers, who with the dreadful tree, incessantly haunted her imagination. The villainous accuser remained unpunished, because his crime, though manifested to the eyes of two individual witnesses, was not so clear to the eyes of the magistrates and of the laws. The people subsequently became acquainted with the resuscitation of the girl, and loaded with reproaches the execrable author of her misery; but in this immense city his offence was soon forgotten, and the monster perhaps still breathes; at least, he has not publicly suffered the punishment which he deserves.

STATE OF VERMONT <i>vs.</i> STEPHEN BOORN and JESSE BOORN, for the murder of RUSSEL COLVIN.	}	Supreme Court adjourned Terms, holden at Manchester in the County of Bennington, Oct. 26, 1819. Mr. Attorney <i>Sheldon</i> , for prosecution.—Messrs. <i>Skinner</i> , <i>Wellman</i> and <i>Sargent</i> , counsel for prisoner.
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Russel Colvin married a sister of the respondents, and being a man of a weak mind, and at times deranged, and much dependent on the Boorns' for the subsistence of himself and family; and is what, probably, occasioned the quarrel mentioned in the trial. I shall give you a brief statement of the transaction as it appeared from the testimony.

Thomas Johnson. Seven years ago last spring, Russel Colvin disappeared from the neighborhood. I lived on the farm adjoining Barney Boorn's, the father-in-law of Russel Colvin, at which place Russel Colvin lived. Seven years ago the fore part of last May, I went early in the morning across lots to Mr. Matterson's, when I returned the same way I went. It was between 9 and 10 o'clock; and crossing Barney Boorn's lot I was in plain sight of the lot that has been described, and getting over the fence in Pettibone's lot, I saw the respondents, Russel Colvin, and his son Lewis Colvin. They appeared to be in a quarrel. I listened, but could not discover the cause. I went home, and soon after came to the door and heard the quarrel still going on. I went to the rise of land, when I was in plain sight, and within twenty-five or thirty rods. I kept out of sight myself—their quarrel had somewhat abated—I returned—the persons were the same as before stated, and were picking up stones. I have never seen Russel Colvin since. Stephen told in my hearing, on the day of his examination, that on the day Russel disappeared, he, Stephen, was ploughing on the north side of the ridge, and out of sight of the lot where the four men were picking up stones, that he might have gone over there to see the boys, but he was not to work there, but was ploughing north of the ridge, and had been for two or three days, and that he never picked up stones with the boys on that lot. I understood Stephen to say that Russel Colvin disappeared at the time he (Russel Colvin) was picking up stones in said lot. Jesse Boorn told me while in prison, that on the day Colvin went off, he, Jesse, was at work at Mr. Briggs' at the north part of the town; that his father came that day to Briggs' to get a horse shod, and he, Jesse, helped set the shoes. Stephen Boorn has since his

above statement told me that on the day Russel went off, he was at work for Mr. Hicks, in the forenoon, and for Mr. Hammond in the afternoon, mending fence. There had been some talk about the woodchuck they had for dinner on the day Russel went off. Stephen said he killed it when mending fence for Mr. Hammond, and that Lewis Colvin came to Mr. Hammond's to bring home some meat, and that he put the woodchuck into the basket and he returned with it. I bought Barney Boorn's farm four years ago last December, I think. I ploughed up that fall about four acres. The next spring I planted it. That spring my sheep run in the lot. One day at night the children brought in a hat—I observed it was the hat of Russel Colvin—I knew it to be his hat—It was very mouldy and rotten, and it was the same hat which he had on while digging stone about the time of his disappearance. When I was planting or hoeing, Mr. Vaughn assisted me—when we were passing the old celler-hole, we stopped to trim some apple-trees that grew there—about that time I observed a thrifty apple-tree about three feet high growing in the celler-hole. In the course of that season I observed the tree was gone. While I was planting, Jesse Boorn helped me, and told me that his father had given him the use of a patch of land if he would clear it off. John Boorn is about the size of Jesse—I might possibly have mistaken him for Jesse—but have no idea that I was mistaken—John is rather thicker and taller than Jesse.

Lewis Colvin, (aged 17 years.) I remember the last time I saw Russel; he was up there in the field next to Mr. Johnson's picking up stones. Stephen, Jesse, Russel and myself were there. I do not know the time of the year, or how long since. They had been picking up stones several days—a quarrel arose about picking up stones—they quarrelled the most in the afternoon—Russel struck Stephen first with a small riding-stick—Stephen then struck Russel on his neck with a club and knocked him down. Stephen then struck Russel again with a club, and he fell. I then was afraid and run off to the house. I saw no blood. The stick was about two feet long, and not very large. Stephen told me the next day, not to tell of what had taken place the day before. I have never heard Stephen say any thing what became of Russel, nor has Jesse said any thing about it. Stephen said he would kill me if I said any thing about striking. I promised. I would not tell. I ran to the house and told grandmother,

grandfather was gone to the street. Grandmother sent me to Mr. Sacket's. I did not return till night, as I went to Matertson's to carry meat. I next saw Stephen and Jesse at night down at the house—heard nothing from them about Russel's absence—heard Stephen say that on the day of the quarrel, Russel ran away to the mountain, and I did not hear Russel's name mentioned by them for a year. My mother had been gone over the mountain for some time. On the day of the quarrel, John was ploughing over the ridge, and when I ran home from the field, John was at home bating the team. I did not tell John of the quarrel—do not know the reason.

Lewis Colvin cross examined by Mr. Skinner. I told this story just before snow went off, one Sunday night, to Mr. Pratt and Mr. Sheldon. Sall. never told me to tell this story—do not remember that Stephen killed the woodchuck the day Russel went off, nor any thing about it. Do not know where Jesse lived at that time. He did not live at Briggs' at that time. John was ploughing on the flat this side of the lot where the boys were at work; do not remember where Rufus (a younger brother) was at the time. A month after the quarrel, heard mentioned in the family of Russel's running off—Stephen and Jesse were not present. Stephen told me he would kill me if I told of his striking Russel. This was at the door the day after the quarrel. Lewis then said it was two days after.

Sally Colvin. Better than four years ago Mr. Hitchcock told me I could not swear my child on any person if my husband was living. I went to my father's—stood in the stoop—Stephen told me I could swear the child, for Russel was dead and he knew it; and Jesse said I could swear it, but would not. When I returned from over the mountain, about five days after the disappearance of my husband, I asked Lewis where Russel was; he answered, gone to hell. I heard nothing at my father's what had become of my husband.

William Wyman. About three or four weeks before Colvin went off, Stephen came to my house and asked me if his father was obliged to support Colvin's young ones. I told him yes. Stephen asked if it was not hard, and further said if there was no one else to put a stop to it, he would, and he said it with an oath.

William Farnsworth. In conversation with Stephen, about two months ago, I questioned him about killing, cooking and eating the woodchuck, and if he was at home then,

and told him that his parents had denied that it was so; he however said that it was so, and that his parents had sworn themselves to the devil, and that their condition was worse than his own. I told Stephen that Johnson had stated that he, (Stephen,) Jesse, Russel and the boy were together picking up stones the day Russel went off, and that his father and mother had denied it, and stated that he and Jesse were not then at home. Stephen replied that it made no odds what his father and mother had sworn to, but that what Tom Johnson had sworn to was true. I advised him to confess the whole facts which he knew.

Silas Merrill, (a fellow prisoner, and in chains,) stated, that in June last, Jesse's father came to the prison, and spoke to Jesse—after the old man went away, Jesse appeared much afflicted—we went to bed and to sleep—Jesse waked up, and shook me, and wanted that I should wake up—he was frightened about something that had come into the window, and was on the bed behind him—he stated he wanted to tell me something, we got up and he went on to tell me, he said it was true that he was up in the lot together with Stephen, Russel Colvin and his son, picking up stones as Mr. Johnson had testified—that Stephen struck Colvin with a club and brought him to the ground—that Colvin's boy run, that Colvin got up, and Stephen gave him a second blow above his ear and broke his skull—that the blood gushed out—that his father came up, and asked if he was dead—they told him no, he then went off—soon after he came again and asked if he was dead, they told him no, and he again went off—soon after, the old man came the third time and asked if he was dead, they told him no—the old man said, *damn him*—Then he, Jesse, took him by the legs, Stephen by the shoulders, and the old man round the body, and carried him to the old celler hole where the old man cut his throat, with a small pen-knife of Stephen's,—that they buried him in the celler between day-light and dark, that he stood out one side and kept watch—that a jack-knife was found which he knew was Russel's, that he had often borrowed it to cut fish-poles—two or three days after, Stephen had Colvin's shoes on—that he, Jesse, spoke to Stephen and told him that Sal. would know the shoes—that he saw no more of them—the old man gave Stephen \$100, and Stephen promised \$25 of it to him. After Jesse was put into another room, when we were permitted to see each other, Jesse told me that he had informed Stephen of having told me the whole affair

—Stephen then came into the room—I asked him if he did take the life of Colvin. He said he did not take the main life of Colvin, he said no more at that time. A week or ten days after, Stephen and I went up into the court room together—Stephen then said he had agreed with Jesse to take the whole business upon himself, and had made a confession which would only make manslaughter of it—I told him what Jesse had confessed and he said it was true. Jesse told me, that in February, 18 months or more after Colvin was buried, there came a thaw—that he and Stephen took up the body, secured the bones and remains in a basket and pulled up a plank in a place where they kept sheep, and put the bones under the floor—that the next spring the barn was burnt—that they took the bones and pounded them up and put them into a deep hole in the river—that the scull bone was burnt so that it crumbled to pieces, that his father scratched up some pieces and put them into a hollow birch stump near the road.

Witness cross examined by Mr. Skinner.—Jesse, when he confessed the affair, did not say the body was removed any where till they carried it off as stated—that Jesse said Esq. Pratt was gone to talk with his wife, but she knew nothing about it.—Jesse wished me not to tell any thing of what he said to me—I first told Mr. Pratt of Jesse's statement, if I recollect right—nobody was present in the court-room when Stephen told me as before mentioned—that Jesse one Sunday, when we were on the bed together told me he wished me to keep council, and that he understood that his wife had said something about keeping watch. I understood from Jesse that Russel struck Stephen first—that they had been *jawing* all the time the fore part of the day.

Mr. Attorney offers a written confession signed by Stephen Boom, dated August 27th, 1819; but it appearing that some promises of favor had been made to him previous to the confession being made, it was rejected by the court.

William Farnsworth Was produced to prove what Stephen told him when he and Stephen were alone, about his being present when Russel was killed. He was objected to by respondent's counsel, because it was subsequent to the proposition made by Esq. Raymond; and Mr. Skinner offered to prove other proposals and promises made to the prisoners, at other times, before the conversation now offered to be proved.

The Court decided that the witness, Farnsworth, should

be examined, and on preliminary examination, the witness stated that neither he, nor any body else to his knowledge had done any thing directly or indirectly to influence the said Stephen to the *talk* he was now about to communicate.

The witness states—That about two or three weeks after the written confession, Stephen told me he killed Russel Colvin, that there was a quarrel, and that Russel struck at him, that he struck Russel and killed him, that he put him into the bushes, that he buried him and dug him up, put the remains under the barn which was burnt, the bones were taken up and put into the river, just above the deep hole, that he scraped up the remains and put them into a stump, that he knew the nails which were found were Colvin's, that no person was present, that he perpetrated the whole business himself. I asked him about the jack-knife; he said it was Russel's, he knew it as soon as he saw it. I told him the case looked dark, he replied, that if Jesse had kept his guts in they should have done well enough, that he put the pieces of bones under the stump through a hole between the roots and stamped the dirt down.—He said he wished he had back that paper, I asked him what paper: he said "hav'nt you seen a paper I wrote?"

Here Mr. Skinner stated, that as Mr. Farnsworth had, contrary to his expectations, been allowed thus to testify, he now in behalf of the prisoners, called for the written confession, which was read as follows, viz.—

"May the tenth, 1812, I, about 9 or 10 o'clock, went down to David Glazier's bridge, and fished down below uncle Nathaniel Boorn's, and then went up across their farms, where Russel and Lewis was, being the highest way, and set down and began to talk, and Russel told me how many dollars benefit he had been to father, and I told him he was a damned fool, and he was mad and jumped up, and we sat close together, and I told him to set down, you little tory, and there was a piece of a beech limb about two feet long, and he caught it up and struck at my head as I sat down, and I jumped up and it struck me on one shoulder, and I caught it out of his hand and struck him a back-handed blow, I being on the north side of him, and there was a knot on it about one inch long. As I struck him I did think I hit him on his back, and he stooped down and that knot was broken off sharp, and it hit him on the back of the neck, close in his hair, and it went in about a half of an inch on that great cord, and he fell down, and then I told the boy to go down and come up with his un-

cle John, and he asked me if I had killed Russel—I told him no, but he must not tell that we struck one another. And I told him when we got away down, Russel was gone away, and I went back and he was dead, and then I went and took him and put him in the corner of the fence by the celler-hole, and put briers over him and went home and went down to the barn and got some boards, and when it was dark I went down and took a hoe and boards, and dug a grave as well as I could, and took out of his pocket a little barlow knife, with about a half of a blade, and cut some bushes and put on his face, and the boards and put in the grave, & put him in four boards, on the bottom and on the top, and the other on the sides, and then covered him up and went home crying along, but I want afraid as I know on. And when I lived at William Boorn's I planted some potatoes, and when I dug them I went there and something I thought had been there, and I took up his bones and put them in a basket, and took the boards and put them on my potatoe hole, and then it was night, took the basket and my hoe and went down and pulled a plank in the stable floor, and then dug a hole, and then covered him up, and went in the house and told them I had done with the basket and took back the shovel, and covered up my potatoes that evening, and then when I lived under the west mountain, Lewis came and told me that father's barn was burnt up, the next day or the next but one, I came down and went to the barn and there was a few bones, and when they was at dinner I told them I did not want my dinner, and went and took them, and there want only a few of the biggest of the bones, and threw them in the river above Wyman's, and then went back, and it was done quick too, and then was hungry by that time, and then went home, and the next Sunday I came down after money to pay the boot that I gave to boot between oxens, and went out there and scraped up the little things that was under the stump there, and told them I was going to fishing, and went, and there was a hole, and I dropped them in and kicked over the stuff, and that is the first any body knew it, either friends or foes, even my wife. All these I acknowledge before the world.

“STEPHEN BOORN.

“Manchester, Aug. 27, 1819.”

It appeared from the testimony of a number of respectable witnesses, that a jack-knife and a button were found at the

old cellar-hole, which belonged to said Colvin immediately previous to his disappearance—that a number of bones and two nails were found in a hollow stump, one of which was supposed to be a thumb nail, but the other nail and the bones were so decayed that it was not ascertained whether they were animal or human bones—that some bones were found at the cellar-hole which were not human bones—that the respondents had said that Russel had gone to hell, and that they had put him where potatoes would not freeze; and that they had made various statements concerning the transaction, sometimes stating that they were present at the time of Colvin's disappearing, sometimes that they were at Pawlet, Rupert, Sandgate, and various other places.

The jury found both the respondents *guilty*, and they were sentenced to be executed on the 28th January, 1820.

Soon after the trial ended, a petition was sent to the Legislature, then sitting at Montpelier, for a *pardon or commutation* of their punishment. The Hon. Judge Chase laid the facts before the Legislature, by their request, in a form of a report, and on the 15th of November, the house adopted the following resolution:

“Resolved, That the prayer of Stephen and Jesse Boorn be so far granted, as to commute the punishment of death, for that of imprisonment for life, in the State's Prison at hard labor, in the case of the said Jesse Boorn, and that he have leave to bring in a bill accordingly; and that it is inexpedient to grant any relief to the said Stephen.” On the question, *Shall the first clause of the resolution be adopted*, the yeas were 104—nays 31. On the second clause, yeas 94—nays 42. A bill was subsequently passed comporting with the first clause of the above resolution.

Stephen Boorn, on hearing that the Legislature had not granted him any relief, caused a notice to be published in the *Rutland Herald*, of the following import:

“MURDER.—Printers of Newspapers throughout the United States, are desired to publish that Stephen Boorn, of Manchester, in Vermont, is sentenced to be executed for the murder of Russel Colvin, who has been absent about seven years. Any person who can give information of said Colvin, may save the life of the innocent by making immediate communication. • Colvin is about five feet five inches high, light complexion, light hair, blue eyes, about forty years of age.

“Manchester, Vt. Nov, 26, 1819.”

What can be supposed were the feelings of the public on seeing the foregoing advertisement? Could any person believe that Colvin was alive, after having heard the confessions of the two prisoners, that they had murdered him, buried him, dug up his bones, buried them under the barn, the barn afterwards being burned, and the bones taken up again and thrown into the river, Colvin's hat, button and knife found, Stephen with Colvin's shoes on, and Colvin not heard of for more than seven years? But after all, it turns out that Colvin is still in "the land of the living," although various opinions were formed as to the correctness of the following letter published in the *New-York Evening Post*.

"Shrewsbury, Monmouth, N. J. Dec. 6.

"To the Editor of the N. Y. Evening Post.

"SIR—Having read in your paper of Nov. 26th last, of the conviction and sentence of Stephen and Jesse Boorn, of Manchester, Vermont, charged with the murder of Russel Colvin, and from facts which have fallen within my own knowledge, and not knowing what facts may have been disclosed on their trial, and wishing to serve the cause of humanity, I would state as follows, which may be relied on: Some years past, (I think between five and ten) a stranger made his appearance in this county, and upon being inquired of, said his name was Russel Colvin (which name he answers to at this time)—that he came from Manchester, Vermont—he appeared to be in a state of mental derangement, but at times gave considerable account of himself—his connexions, acquaintances, &c. He mentions the name of Clarissa, Rufus, &c. Among his relations he has mentioned the Boorns above—Jesse, as Judge, (I think) &c. &c. He is a man rather small in stature—round favored—speaks very fast, and has two scars on his head, and appears to be between 30 and 40 years of age. There is no doubt but that he came from Vermont, from the mention that he has made of a number of places and persons there, and probably is the person supposed to have been murdered. He is now living here, but so completely insane, as not to be able to give a satisfactory account of himself, but the connexions of Russel Colvin might know by seeing him. If you think proper to give this a place in your columns, it may possibly lead to a discovery that may save the lives of innocent men—if so, you will have the pleasure, as well as myself, of having served the cause of humanity. If you give

this an insertion in your paper, pray be so good as to request the different editors of newspapers in New-York and Vermont, to give it a place in theirs.

"I am, Sir, with sentiments of regard, yours, &c.

"TABER CHADWICK."

On the promulgation of the above letter in New-York, the members of the corporation of the city sent a Mr. Whelpley, of that city, who was formerly acquainted with said Colvin in Vermont, to New-Jersey, to ascertain the fact. Mr. Whelpley being satisfied that it was the same Colvin who was supposed to have been murdered, he was conducted to Manchester, through New-York, Albany and Troy, at which places the streets were literally filled with spectators to get a peep at the murdered Colvin! On the 22d day of December, 1819, a large assembly of people from various towns adjoining, had convened at Manchester to behold the entrance of Colvin into the town, in order to see the *dead man*, and hear his story! His entrance was announced by the firing of cannon, and Stephen Boorn was immediately released from prison, and his chains, to behold his old acquaintance!

Russel Colvin came to the house of William Polhemus, in Dover, Monmouth county, New-Jersey, in March or April, 1813, somewhat deranged, and has lived there since until his removal as above stated; and after staying in Manchester a day or two, he returned back to New-Jersey. He did not give any particular account of the quarrel mentioned in the trial, nor would he own his wife, from which circumstances some have supposed that he was not the man supposed to have been murdered, but some other person every way resembling the said Colvin; and I must confess, that if there had been no stronger proof of the return of Russel Colvin to Manchester than that every person in Manchester formerly acquainted with him, knew him to be the same Colvin, I should have my doubts; but on inquiring of the people of Manchester, and ascertaining that the man returned for Russel Colvin, would call the people who he was formerly acquainted with by their names and their titles, such as *Esg. Capt. uncle*, &c. my doubts are removed, and I am in the full belief of the said Russel Colvin having returned to Manchester as stated.

Various are the opinions relating to this mysterious affair; but one thing is certain—that is, that Stephen Boorn, Jesse

Boorn and Russel Colvin had a quarrel as stated by Thomas Johnson, and the Boorns' confessions, and I think also that Colvin received a bad wound from Stephen, and that Russel went off without his hat and shoes unknown to Stephen or Jesse, and not being heard of for a number of years, Stephen and Jesse were no doubt of the opinion that Colvin had died of the wounds received from them. After they were examined and committed for trial, knowing they had told different stories about the transaction, and Colvin not being heard of, and others advising them to confess, they were induced to make the confessions, and in such a way as to make Colvin the first aggressor, and if possible save themselves from the gallows.

Case of Conviction and Execution of a Man, on Circumstantial Evidence, for the Murd.r of his Father.

A man was tried for, and convicted of the murder of his own father. The evidence against him was merely circumstantial, and the principal witness was his sister. She testified that her father possessed a small income, which, with his industry, enabled him to live with comfort; that her brother, the prisoner, who was his heir at law, had long expressed a great desire to come into possession of his father's effects; and that he had long behaved in a very undutiful manner to him, wishing, as the witness believed, to put a period to his existence by uneasiness and vexation; that on the evening the murder was committed, the deceased went a small distance from the house, to milk a cow he had for some time kept, and that the witness also went out to spend the evening and to sleep, leaving only her brother in the house; that returning home early in the morning, and finding that her father and brother were absent, she was much alarmed, and sent for some neighbors to consult with them, and to receive advice what should be done; that, in company with these neighbors, she went to the hovel in which her father was accustomed to milk the cow, where they found him murdered in a most inhuman manner, his head being almost beat to pieces; that a suspicion immediately falling on her brother, and there being then some snow upon the ground, in which the footsteps of a human being, to and from the hovel, were observed, it was agreed to take one of the brother's shoes, and to measure therewith the impression in the snow; this was done, and there did not remain a doubt but that the im-

pressions were made with his shoes. Thus confirmed in their suspicions, they then immediately went to the prisoner's room, and after a diligent search, they found a hammer in the corner of a private drawer, with several spots of blood upon it, and with a small splinter of bone and some brains, in a crack which they discovered in the handle. The circumstances of finding the deceased and the hammer, as described by the former witness, were fully proved by the neighbors whom she had called; and upon this evidence, the prisoner was convicted, and suffered death, but denied the act. About four years afterwards, the witness was extremely ill, and understanding that there were no possible hopes of her recovery, she confessed that her father and brother, having offended her, she was determined they should both die; and, accordingly, when the former went to milk the cow, she followed him with her brother's hammer, and in his shoes; that she beat out her father's brains with the hammer, and then laid it where it was afterwards found; that she then went from home to give a better color to this wicked business, and that her brother was perfectly innocent of the crime for which he had suffered. She was immediately taken into custody, but died before she could be brought to trial.

Case of Ambrose Gwinnet, who was hung and gibbeted at Deal, England, for the murder of one Collins who was afterwards found alive.

Ambrose Gwinnet was travelling to Deal to visit his sister, and being belated, called at an inn for lodging, which he could not have unless he would lodge with Collins, or that Collins would consent to let him lodge with him, which was agreed upon, and he paid his bill that evening.

Gwinnet, on being shown to Collins' room, found him counting a sum of money.—After he had done he put the money away, and they both retired to bed. Gwinnet having the diarrhoe, found it necessary for him to get up, and found, on inquiring of Collins, that the back-house stood over the sea; and Collins told him that the thumb-piece of the door was lost, and he might find it shut and difficult to open it, and handed Gwinnet his knife to open the door with in case he should want it, and in the handle of the knife was a piece of money which Collins had kept many years as a *pocket piece*. Gwinnet, at the back-house, had discharged some blood on the seat.—On his return he found that Collins was gone, but

he went to bed and staid till near day, when he proceeded on his journey. He was soon apprehended for the murder of Collins, and Collins' knife and pocket-piece being found with him, it amounted to almost a certainty in the minds of the public that he had murdered Collins in the bed, (as the bed was bloody and Gwinnet's shirt also) and had taken him to the back-house and put him into the sea, and the tide had carried him away. He denied the whole; but on his trial, so strong were the circumstances against him, that the jury found him *guilty*, and he was sentenced to be hanged and gibbeted, and his sentence was afterwards carried into execution. It happened soon after that a boy on driving some cows which passed under the gibbet, and looking up, discovered Gwinnet open his mouth. He gave the information, and he was taken down and restored to the "land of the living!"

Gwinnet soon after went off, not wishing to stay in or near that place. Some years afterwards he came across a person who he thought was the one for whom he had suffered, and on asking him if his name was Collins, received an answer in the affirmative. Collins gave the following information: That on the day before he and Gwinnet slept together, he had been bled, and while Gwinnet was gone out, the bandage had got loose and his arm was bleeding.—He got up to go across the road to a doctor, and while crossing the road, a press-gang took him and carried him away.

A gentleman having been revelling abroad, was returning home late at night; but overcome with wine, he fell down in the street, and lay there in a state of insensibility. Soon after, two persons, who were passing, having quarrelled, one of them observing that the drunkard had a sword by his side, snatched it away, and with it ran his adversary through the body. Leaving the instrument sticking in the wound, he ran off as fast as he could. When the watchman of the night came in the course of his rounds to the scene of this tragedy, and saw one man lying dead, with a sword in his body, and another lying near him in a state of drunkenness, with his scabbard empty, he had no doubt whatever that the crime and the offender were both before him; and seizing the drunkard, he conveyed him to prison.

Next morning he was examined before a magistrate; and being unable to remove the strong presumption which circumstances established against him, he was committed for trial.

When tried, he was found guilty; and immediately executed for the murder of which he was perfectly innocent.

The real criminal was some time after condemned to death for another offence; and in his last moments confessed how he had made use of the reveller's sword to execute his own private wrongs.

The case of M. de Pivardiere is one of the most singular instances of criminal precipitation and iniquity that the annals of French justice furnish. Madame de Chauvelin, his second wife, was accused of having had him assassinated in his castle. Two servant maids were witnesses of the murder; his own daughter heard the cries and last words of her father—"My God! have mercy upon me!" One of the maid servants, falling dangerously ill, took the sacrament; and while she was performing this solemn act of religion, declared before God that her mistress intended to kill her master. Several other witnesses testified that they had seen linen stained with his blood; others declared that they had heard the report of a gun, by which the assassination was supposed to have been committed. And yet, strange to relate, it turned out after all that there was no gun fired—no blood shed—nobody killed! What remains is still more extraordinary: M. de Pivardiere returned home; he appears in person before the judges of the Province, who were preparing every thing to execute vengeance on his murderer. The judges are resolved not to loose their process; they affirm to his face that he is dead; they brand him with the accusation of impostor for saying that he is alive; they tell him that he deserves exemplary punishment for coining a lie before the tribunal of justice; and maintain that their procedure is more credible than his testimony! In a word, this criminal process continued eighteen months before the poor gentleman could obtain a declaration of the court that he was alive!

The most extraordinary case of Eugene Aram, who was executed in Yorkshire, for murder; together with the ingenious defence which he made on his trial.

One of the ancestors of this offender had been high sheriff of Yorkshire, in the reign of king Edward the third; but the family having been gradually reduced, Aram's father was but in a low station of life: the son, however, was sent to a school near Rippon, where he perfected himself in writing and arith-

metic, and then went to London, to officiate as clerk to a merchant.

After a residence of two years in town, he was seized with the small-pox, which left him in so weak a condition, that he went back to Yorkshire for the recovery of his health.

On his recovery, he found it necessary to do something for immediate subsistence; and accordingly engaged himself as usher to a boarding-school; but, not having been taught the learned languages in his youth, he was obliged to supply by industry what he had failed of through neglect: so that teaching the scholars only writing and arithmetic at first, he employed all his leisure hours in the most intense study, till he became a most excellent Greek and Latin scholar: in the progress to which acquirements, he owed much to the help of a most extraordinary memory.

In the year 1734, he engaged to officiate as steward of an estate belonging to Mr. Norton, of Knaresborough; and, while in this station, he acquired a competent knowledge of the Hebrew. At this period he married; but was far from being happy in the matrimonial connexion.

We now proceed to relate the circumstances which led to the commission of the crime which cost Aram his life. Daniel Clarke, a shoe-maker, at Knaresborough, after being married a few days, circulated a report that his wife was intitled to a considerable fortune, which he should soon receive. Hereupon Aram, and Richard Houseman, conceiving hopes of making advantage of this circumstance, persuaded Clarke to make an ostentatious show of his own riches, to induce his wife's relations to give him that fortune of which he had boasted. There was sagacity, if not honesty, in this advice; for the world generally are more free to assist persons in affluence than those in distress.

Clarke was easily induced to comply with a hint so agreeable to his own desires; on which he borrowed and bought on credit, a large quantity of silver plate, with jewels, watches, rings, &c. He told the persons of whom he purchased, that a merchant in London had sent him an order to buy such plate for exportation: and no doubt was entertained of his credit till his sudden disappearance in February, 1745, when it was imagined that he had gone abroad, or at least to London, to dispose of his ill-acquired property.

When Clarke was possessed of these goods, Aram and Houseman determined to murder him, in order to share the

booty ; and on the night of the 8th of February, 1745, they persuaded Clarke to walk with them in the fields, in order to consult with them on the proper method to dispose of the effects.

On this plan they walked into a field, at a small distance from the town, well known by the name of St. Robert's Cave. When they came into the field, Aram and Clarke went over a hedge towards the cave, and when they had got within six or seven yards of it, Houseman, by the light of the moon, saw Aram strike Clarke several times, and at length beheld him fall, but never saw him afterwards. This was the state of the affair, if Houseman's testimony on the trial might be credited.

The murderers going home, shared Clarke's ill-gotten treasure, the half of which Houseman concealed in his garden for a twelvemonth, and then took it to Scotland, where he sold it. In the meantime, Aram carried his share to London, where he sold it to a Jew, and then engaged himself as an usher at an academy in Piccadilly ; where, in the intervals of his duty in attending the scholars, he made himself master of the French language, and acquired some knowledge of the Arabic, and other eastern languages.

After this, he was usher at other schools in different parts of the kingdom ; but, as he did not correspond with his friends in Yorkshire, it was presumed that he was dead : but, in the year 1758, as a man was digging for lime stones near St. Robert's Cave, he found the bones of a human body ; and a conjecture hereupon arose that they were the remains of the body of Clarke, who, it was presumed, might have been murdered.

Houseman having been seen in company with Clarke a short time before his disappearance, was apprehended on suspicion ; and on his examination, giving but too evident signs of his guilt, he was committed to York castle ; and the bones of the deceased being shown him, he denied that they were those of Clarke, but directed to the precise spot where they were deposited, and where they were accordingly found. The skull, being fractured, was preserved, to be produced in evidence on the trial

Soon after Houseman was committed to the castle of York, it was discovered that Aram resided at Lynn, in Norfolk : on which a warrant was granted for taking him into custody ; and, being apprehended while instructing some young gen-

lemen at a school, he was conveyed to York, and likewise committed to the castle, and was brought to trial at the summer assizes after. When Houseman had given his evidence respecting this affair, and all such collateral testimony had been given as could be adduced on such an occasion, Aram was called on for his defence; but, having foreseen that the perturbation of his spirits would incapacitate him to make such defence without previous preparation, he had written the following, which, by permission, he read in court:

“My Lord—I know not whether it is of right, or through some indulgence of your lordship, that I am allowed the liberty at this bar, and at this time, to attempt a defence, incapable and uninstructed as I am to speak. Since while I see so many eyes upon me, so numerous and awful a concourse, fixed with attention, and filled with I know not what expectancy, I labor not with guilt, my lord, but with perplexity. For having never seen a court but this, being wholly unacquainted with law, the customs of the bar, and all judiciary proceedings, I fear I shall be so little capable of speaking with propriety in this place, that it will exceed my hope if I shall be able to speak at all.

“I have heard, my lord, the indictment read, wherein I find myself charged with the highest crime, with an enormity I am altogether incapable of; a fact, to the commission of which there goes far more insensibility of heart, more profligacy of morals, than ever fell to my lot. And nothing possible could have admitted a presumption of this nature, but a depravity not inferior to that imputed to me. However, as I stand indicted at your lordship’s bar, and have heard what is called evidence adduced in support of such a charge, I very humbly solicit your lordship’s patience, and beg the hearing of this respectable audience, while I, single and unskilful, destitute of friends, and unassisted by counsel, say something, perhaps like argument in my defence. I shall consume but little of your lordship’s time; what I have to say will be short, and this brevity, probably, will be the best part of it: however, it is offered with all possible regard, and the greatest submission to your lordship’s consideration, and that of this honorable court.

“First, my lord, the whole tenor of my conduct in life contradicts every particular of this indictment. Yet had I never said this, did not my present circumstances extort it from me, and seem to make it necessary. Permit me here, my lord,

to call upon malignity itself, so long and cruelly busied in this prosecution, to charge upon me an immorality, of which prejudice was not the author. No, my lord, I concerted no schemes of fraud; projected no violence; injured no man's person or private property; my days were honestly laborious—my nights intensely studious. And I humbly conceive my notice of this, especially at this time, will not be thought impertinent, or unseasonable; but, at least deserving some attention, because, my lord, that any person, after a temperate use of life, a series of thinking and acting regularly, and without one single deviation from sobriety, should plunge into the very depth of profligacy, precipitately, and at once, is altogether improbable and unprecedented, and absolutely inconsistent with the course of things. Mankind is never corrupted at once; villainy is always progressive, and declines from right, step after step, till every regard of probity is lost, and every sense of moral obligation totally perishes.

“Again, my lord, a suspicion of this kind, which nothing but malevolence could entertain, and ignorance propagate, is violently opposed by my very situation at that time, with respect to health; for but a little space before I had been confined to my bed, and suffered under a very long and severe disorder, and was not able, for half a year together, so much as to walk. The distemper left me indeed, yet slowly and in part; but so macerated, so enfeebled, that I was reduced to crutches; and so far from being well about the time I am charged with this fact, that I have never, to this day, perfectly recovered. Could then a person in this condition take any thing into his head so unlikely, so extravagant? I, past the vigor of my age, feeble and valetudinary, with no inducement to engage, no ability to accomplish, no weapon wherewith to perpetrate such a fact; without interest, without power, without motive, without means.

“Besides, it must needs occur to every one, that an action of this atrocious nature is never heard of, but when its springs are laid open, it appears that it was to support some indolence, or supply some luxury; to satisfy some avarice, or oblige some malice; to prevent some real, or some imaginary want: yet I lay not under the influence of any one of these. Surely, my lord, I may, consistent with both truth and modesty, affirm thus much; and none who have any veracity, and knew me, will ever question this.

“In the second place, the disappearance of Clarke is sug-

gested as an argument of his being dead; but the uncertainty of such an inference from that, and the fallibility of all conclusions of such a sort, from such a circumstance, are too obvious; and too notorious, to require instances; yet, superceding many, permit me to procure a very recent one, and that afforded by this castle.

“In June, 1757, William Thompson, for all the vigilance of this place, in open day light and double ironed, made his escape; and, notwithstanding an immediate inquiry set on foot, the strictest search, and all advertisement, was never seen or heard of since. If then, Thompson got off unseen, through all these difficulties, how very easy was it for Clarke, when none of them opposed him? But what would be thought of a prosecution commenced against any one seen last with Thompson?

“Permit me, next, my lord, to observe a little upon the bones which have been discovered. It is said, which perhaps is saying very far, that these are the skeleton of a man. It is possible indeed they may be; but is there any certain criterion, which incontestably distinguishes the sex in human bones? Let it be considered, my lord, whether the ascertaining of this point ought not to precede any attempt to identify them.

“The place of their depositum too claims much more attention than is commonly bestowed upon it; for, of all places in the world, none could have mentioned any one, wherein there was greater certainty of finding human bones, than a hermitage, except he should point out a church-yard; hermitages, in time past, being not only places of religious retirement, but of burial too. And it has scarce, or never been heard of, but that every cell now known contains, or contained those relics of humanity; some mutilated and some entire. I do not inform, but give me leave to remind your lordship, that here sat solitary sanctity, and here the hermit, or the anchoress, hoped that repose for their bones, when dead, they there enjoyed when living.

“All the while, my lord, I am sensible this is known to your lordship, and many in this court, better than to me. But it seems necessary to my case that others, who have not at all, perhaps, adverted to things of this nature, and may have concern in my trial, should be made acquainted with it. Suffer me then, my lord, to produce a few of many evidences, that these cells were used as repositories of the dead, and to

enumerate a few in which human bones have been found, as it happened in this question; lest to some, that accident might seem extraordinary, and consequently occasion prejudice.

1. "The bones, as was supposed, of the Saxon St. Dubritus, were discovered buried in his cell at Guy's cliff, near Warwick, as appears from the authority of Sir William Dugdale.

2. "The bones, thought to be those of the anchoress Rosia, were but lately discovered in a cell at Royston, entire, fair, and undecayed, though they must have lain interred for several centuries, as is proved by Dr. Stukely.

3. "But my own county, nay, almost this neighborhood, supplies another instance, for in January, 1747, were found, by Mr. Stovin, accompanied by a reverend gentleman, the bones, in part, of some recluse, in the cell at Lindholm, near Hatfield. They were believed to be those of William of Lindholm, a hermit, who had long made this cave his habitation.

4. "In February, 1744, part of Wooburn Abbey being pulled down, a large portion of a corpse appeared, even with the flesh on, and which bore cutting with a knife; though it is certain that this had lain above 200 years, and how much longer is doubtful, for this abbey was founded in 1145, and dissolved in 1538 or 9.

"What would have been said, what believed, if this had been an accident to the bones in question?

"Farther, my lord, it is not yet out of living memory, that a little distance from Knaresborough, in a field, part of the manor of the worthy and patriotic baronet who does that borough the honor to represent it in parliament, were found, in digging for gravel, not one human skeleton only, but five or six, deposited side by side, with each an urn placed at its head, as your lordship knows was usual in ancient interments.

"About the same time, and in another field, almost close to the borough, was discovered also, in searching for gravel, another human skeleton; but the piety of the same worthy gentleman ordered both pits to be filled up again, commendably unwilling to disturb the dead.

"Is the invention of these bones forgotten, then, or industriously concealed, that the discovery of those in question may appear the more singular and extraordinary? Whereas, in fact, there is nothing extraordinary in it. My lord, almost every place conceals such remains. In fields, in hills, in

highway sides, in commons, lie frequent and unsuspected bones. And our present allotments for rest for the departed are but of some centuries.

“Another particular seems not to claim a little of your lordship’s notice, and that of the gentlemen of the jury; which is, that perhaps no example occurs of more than one skeleton being found in one cell; and in the cell in question was found but one; agreeable, in this, to the peculiarity of every other known cell in Britain. Not the invention of one skeleton, but of two, would have appeared suspicious and uncommon.

“But it seems another skeleton has been discovered by some laborer, which was full as confidentially averred to be Clarke’s as this. My lord, must some of the living, if it promotes some interest, be made answerable for all the bones that earth has concealed, and chance exposed? and might not a place where bones lay, be mentioned by a person by chance, as well as found by a laborer by chance? or is it more criminal accidentally to name where bones lie, than accidentally to find where they lie?

“Here too is a human skull produced, which is fractured, but was this the cause, or was it the consequence of death? was it owing to violence, or was it the effect of natural decay? if it was violence, was that violence before or after death? My lord, in May, 1782, the remains of William, lord archbishop of this province, were taken up, by permission, in this cathedral, and the bones of the skull were found broken; yet certainly he died by no violence offered to him alive, that could occasion that fracture there.

“Let it be considered, my lord, that upon the dissolution of religious houses, and the commencement of the reformation, the ravages of those times affected both the living and the dead. In search after imaginary treasures, coffins were broken open, graves and vaults dug open, monuments ransacked, and shrines demolished; and it ceased about the beginning of the reign of queen Elizabeth. I entreat your lordship, suffer not the violences, the depredations, and the iniquities of those times, to be imputed to this.

“Moreover, what gentleman here is ignorant that Knareborough had a castle; which, though now a ruin, was once considerable, both for its strength and garrison? All know it was vigorously besieged by the arms of the parliament; at which siege, in sallies, conflicts, flights, pursuits, many fell in all

the places round it, and buried where they fell; for every place, my lord, is burial earth in war; and many, questionless, of these, yet unknown, whose bones futurity shall discover.

"I hope with all imaginable submission, that what has been said, will not be thought impertinent to this indictment; and that it will be far from the wisdom, the learning, and the integrity of this place, to impute to the living, what zeal in its fury may have done; what nature may have taken off, and piety interred, or what war alone may have destroyed, alone deposited.

"As to the circumstances that have been raked together, I have nothing to observe, but that all circumstances whatever are precarious, and have been but too frequently found lamentably fallible; even the strongest have failed. They may rise to the utmost degree of probability, yet they are but probability still. Why need I name to your lordship the two Harrison's recorded by Dr. Howel, who both suffered upon circumstances, because of the sudden disappearance of their lodger, who was in credit, had contracted debts, borrowed money, and went off unseen, and returned a great many years after their execution. Why name the intricate affair of Jacques du Moulin, under king Charles II. related by a gentleman who was counsel for the crown? and why the unhappy Coleman, who suffered innocent, though convicted upon positive evidence, and whose children perished for want, because the world uncharitably believed the father guilty? Why mention the perjury of Smith, incautiously admitted king's evidence; who, to screen himself, equally accused Faircloth and Loveday of the murder of Dun; the first of whom, in 1749, was executed at Winchester; and Loveday was about to suffer at Reading, had not Smith been proved perjured, to the satisfaction of the court, by the surgeon of Gosport hospital?

"Now, my lord, having endeavored to show that the whole of the process is altogether repugnant to every part of my life; that it is inconsistent with my condition of health about that time; that no rational inference can be drawn, that a person is dead who suddenly disappears; that hermitages were the constant repositories of the bones of the recluse; that the revolutions in religion, or the fortune of war, have mangled, or buried the dead; the conclusion remains perhaps no less reasonably than impatiently wished for. I, at last, after a year's confinement, equal to either fortune, put myself upon the candor, the justice, and the humanity of your lordship, and upon yours, my countrymen, gentlemen of the jury."

Aram was tried by Judge Noel, who, having remarked that his defence was one of the most ingenious pieces of reasoning that had ever fallen under his notice, summed up the evidence to the jury, who gave a verdict that Aram was guilty, and he received the sentence of death.

After conviction, a clergyman attended him, and represented to him the atrociousness of his crime, and exhorted him to confess his crime, before God, and man.

Aram appeared to pay proper attention to what was said; but, after the clergyman had retired, he formed the dreadful resolution of destroying himself, having previously written a letter, of which the following is a copy :

"My dear friend—Before this reaches you, I shall be no more a living man in this world, though at present in perfect bodily health; but who can describe the horrors of mind which I suffer at this instant? guilt! the guilt of blood shed without any provocation, without any cause, but that of filthy lucre, pierces my conscience with wounds that give the most poignant pains! 'Tis true, the consciousness of my horrid guilt has given me frequent interruptions in the midst of my business, or pleasures; but still I have found means to stifle its clamours, and contrived a momentary remedy for the disturbance it gave me, by applying to the bottle or the bowl, or diversions, or company, or business; sometimes one, and sometimes the other, as opportunity offered; but now all these, and all other amusements are at an end, and I am left forlorn, helpless, and destitute of every comfort; for I have nothing now in view but the certain destruction of both my soul and body. My conscience will no longer suffer itself to be hoodwinked or browbeat; it has now got the mastery; it is my accuser, judge, and executioner; and the sentence it pronounceth against me is more dreadful than that I heard from the bench, which only condemned my body to the pains of death, which are soon over; but conscience tells me plainly, that she will summon me before another tribunal, where I shall have neither power nor means to stifle the evidence she will there bring against me; and that the sentence which will then be denounced, will not only be irrevocable, but will condemn my soul to torments that will know no end.

"O had I but hearkened to the advice which dear bought experience has enabled me to give! I should not now have been plunged into that dreadful gulf of despair, which I find it impossible to extricate myself from; and, therefore, my soul

is filled with horror inconceivable. I see both God and man are my enemies; and in a few hours shall be exposed a public spectacle for the world to gaze at. Can you conceive any condition more horrible than mine? O, no! it cannot be! I am determined, therefore, to put a short end to trouble I am no longer able to bear, and prevent the executioner, by doing his business with my own hand, and shall, by this means, at least prevent the shame and disgrace of a public exposure; and leave the care of my soul in the hands of eternal mercy. Wishing you all health, prosperity, and happiness, I am, to the last moment of my life, yours, with the sincerest regard.

“EUGENE ARAM.”

When the morning appointed for his execution arrived, the keeper went to take him out of his cell, when he was surprised to find him almost expiring through loss of blood, having cut his left arm above the elbow, and near the wrist, with a razor, but he missed the artery. A surgeon was sent for, soon stopped the bleeding, and when taken to the place of execution, was perfectly sensible, though so very weak as to be unable to join in devotion with the clergyman who attended him.

He was executed near York, on the 6th of August, 1759, and afterwards hung in chains at Knaresborough forest.

Such was the end of Eugene Aram !!

An abstract of the trial of John Thurtell, who was executed at Hertford, England, January 9th, 1824, for the murder of Wm. Weare; together with his most ingenious defence at the trial, and the charge to the jury.

From the testimony it appeared that the prisoner, Thurtell, Joseph Hunt, and William Probert had agreed to murder Mr. Weare on the night of the 24th of October, 1823. It appeared that Probert had been indicted for the same crime, or as an accessory, and was discharged, or on his trial acquitted. Probert was taken as a witness on the part of the crown, in the trial of Thurtell and Hunt, who were both tried at one time, Thurtell, as principal, and Hunt, as an accessory.

The only positive testimony against Thurtell, was that of Probert, and his testimony was corroborated by about 50 others. It appeared that Probert, Thurtell and Hunt had agreed to meet at a certain place—and that Probert and Hunt started with a horse and gig, and drove on some time, stopped a while, drove on farther, and waited some time for Thurtell to come up. Hunt would go no farther; but said

he would wait till Thurtell came up; Probert drove on and soon met Thurtell who inquired for Hunt, and said "O, I dont want him now, for I have done the trick, I have killed my friend that I brought down with me, I have ridden the country of a villain who has robbed me of 3 or 400 pounds." Thurtell sent Probert after Hunt, and soon after, they all met at Probert's house. Hunt said to Thurtell, "where could you pass me?" Thurtell replied, "it dont matter where I passed you, I've done the trick—I have done it." They retired from the house, taking a sack and cord with them, and went to the deceased and took out of his pocket a pocket-book containing three five pound notes, a memorandum book, and some silver. Thurtell said, "this is all he has got, I took the watch and purse when I killed him." The body was then put into the sack and soon after sunk in a pond near by, and afterward taken out, and sunk in another place, where it was found by the direction of Hunt.

The trial being lengthy, and late in the evening, Thurtell requested the Judge to postpone it till the next day, which was refused at that time; but after having gone through with the evidence on the part of the prosecution, Mr. Justice Park, at half past one o'clock, adjourned the court to the next day.

The next morning, after the court were ready, Mr. Justice Park called on Thurtell for his defence. Thurtell, after a short pause, very audibly, with confidence, and in a very collected manner, addressed the Court as follows :

"May it please your lordship, and gentlemen of the Jury : Under greater difficulties than man ever was surrounded by, I now rise to vindicate my character, and preserve my life. I have been supported in my awful situation up to the hour of trial, by the knowledge that my cause would come before an enlightened tribunal; and that the unequalled institution of my country, would award me twelve men, unprejudiced by passion, and undaunted by power. I have been represented by the press, which carries its benefits, or its curses on rapid wings from one end of the country to the other, as a man more depraved in heart, more habitually profligate, and more cruel than has been seen in modern times. I have been charged with the commission of murder, under circumstances of greater aggravation, of more cool premeditated atrocity, than it has ever fallen to the lot of man to see or to hear of. I have been pourtrayed as a kindless, heartless, remorseless villain, who has seduced his friend into a sequestered path, in order the

more effectually to despatch him ; as a snake creeps into the bosom, thence to strike his blow ; a monster who has done a deed at which the hardest heart must falter, and of which remembrance affords no parallel. You, gentlemen, have been in the habit of receiving these details daily—I may say hourly. It would be requiring more than can be expected from the common virtue of our nature, to suppose that you could entirely divest yourselves of those feelings, I will say those creditable feelings, which these publications were calculated to excite. But I am satisfied, as far as it is possible for me to come to such an investigation as the present, with minds unbiassed, after the atrocious calumnies which have been vented against the object of it ; I am satisfied, I say, that with such mind, you this day come to the discharge of your sacred office. Guilt, such as mine is alleged to be, cannot be the effect of custom, but must be inherent in the mind. Such must have grown with my growth, and strengthened with my strength ; but you shall hear men of character, unimpeachable, declare to you that I had once a mind which overflowed with kindness, and that my failings were those of an improvident generosity, and of an unsuspecting heart. Beware then, gentlemen, of prejudice. Believe not that a few years have so perverted this benevolence as to engender feelings, which none but demons can own, but rather believe that the late slanders which have overwhelmed me, are the production of that press, which ought to be the protection of innocence, but which, in the absence of other matter, has become the pander to the worst feeling of our nature. I entered upon life under auspices than which none could desire more favorable. From a kind, affectionate, and, above all, a religious mother, my first accents were taught to praise Him, who has the sole guidance, gentlemen, of your hearts and conduct, and of the learned Judge upon the bench. My mind was guided in the way it was to go, by a father, of whom the best praise I can give is, that he is universally beloved for his kindness, charity, and attainments. I entered early in life into the service of our late reverend monarch, who has been emphatically styled “the Father of his people.” For years I held his commission, and ranged myself under his colors ; nor did I ever disgrace the one nor desert the other. I have done my country some service—I have fought and bled for her. I feared not to raise my arm against the foe of my country : but, oh, gentlemen ! believe not that I could aim the assassin’s dart at

the breast of a friend, in so monstrous, so horrid and inconsistent a manner. Among other things, I have been represented as a sporting character, a gambler; and my penitent heart proclaims me guilty. -- I have been a gambler; but it is now three years since I have seen the inside of a gaming house, or been present at any fight, or upon any race-course, for the last three years. By betting or gambling, I have not won a shilling; but, had it been true, I am yet to learn that I am to be put out of the pale of society for that, for which one half of the nobility are my examples, and the most enlightened statesmen my apologists. I have been a gambler; but whom have I ruined—whose family have I undone? My own family have been the only sufferers; myself the only victim. I feel that I labor under great disabilities; but, oh! gentlemen, beware of that truth which declares, that our own hearts are the most deceitful traitors; beware of a pre-conceived verdict. It has been remarked by authorities entitled to some weight, that no heart becomes wicked at once, and, in illustration of this in my own case, I will lay before you the past conduct of my life. I may be tiresome, but what bosom can refuse the sigh; what eye can deny the tear to me, charged with such a crime!—What heart, indeed, can have feelings commensurate with those I feel! Heaven alone can know my feelings at this momentous crisis; but when you recollect that I have long been suffering under a mind ill at ease, you will at least pity and forgive. At the end of the late war, that peace which beamed happiness on the nation, cast a shade over my destiny. I entered the commercial world with the same feelings which the habits of my life had engendered—I viewed my associates and companions in common, as I should have done the members of a military mess; and I treated them as such. My mercantile transactions were with the former; my house was ever open to the latter. No fortune could have withstood the double drain to which I was subjected. My solicitor, my own familiar friend, whom I loved, proved a traitor; and I found him the most rancorous of my enemies. By dint of exertion, I should again have enjoyed the esteem and good opinion of my friends; and, above all, my own self respect. But, alas! how often does it happen that the pertinacity of one creditor withstanding all the rest, may destroy his debtor! Through the kindness of T. O. Springfield, my principal assignee, I obtained the signature of most of my creditors and the promise of the others;

but when I fondly anticipated the revival of my fortunes, when I thought the blossoms of hope were about to ripen, a deadly frost came to blight them. I was ruined by the hand of my friend. My principal creditor was my solicitor; but he refused to sign the necessary instrument without a bonus of £300. I spurned with indignation, the dishonor of the offer; and was cast upon the world, the dupé of many; despised by all. My brother availed himself of my aid; his house was destroyed by fire, by accident, as was proved by a Jury, over which his lordship presided. But advantage was taken of this circumstance to insinuate that goods which were charged were not consumed. And whence does this conspiracy proceed? I will tell you, gentlemen. It is in the prosecution of Barber Beaumont, who has stooped to the subornation of witnesses for his infamous purposes. This is the fountain of the conspiracy originated by a man whose traitorous audacity has dared to hoist the standard of rebellion, and plant it in the very presence of his sovereign—one of those base born detestable characters who has just head enough to contrive crime, without the heart to feel for the consequences. But I will say no more upon this subject; which is about to become matter of legal decision. Perhaps, gentlemen, I have been betrayed into some unbecoming warmth of expression; but the flesh will quiver where the pincers tear—blood will boil, where the wound is probed. You have been told, amongst other falsehoods, that I endeavored to decoy Woods to his destruction, and he said he saw me in the passage. Happily for me, I can prove by most respectable friends at Norwich, that I was there the very time this appearance was attributed to me. But for the sake of a female whom I respect, I grant Woods the mercy of my silence. When was a British subject ever called before a Jury of his country, under a mass of such accumulated obloquy as that under which my life is now placed at your disposal? The press, which, above all, should be the safeguard of character, and support the unsullied purity of the palladium of English liberty, has, in my case, departed from all rule and example, and heaped slander upon slander, and even whetted the appetite for calumny more atrocious. Nay, it has done more: it has contrived to tinge with a deeper dye, a crime which has no equal; one would have thought that a part of one's life spent in the service of one's country, was entitled to some generosity. But actions have been attributed to my past life which have cast their livid shades upon my

present situation. You have been told that when the battle was over, the yielding, the wounded, nay, the unoffending— (the prisoner was here overcome by his feelings, and unable for a time to proceed—His lordship and the counsel for the prosecution, desired him to sit down and take time—Having done this, with a voice somewhat broken he resumed.) I say, gentlemen, it is said of me that the battle won, a vanquished, wounded, and unoffending and even supplicating foe, had fallen in cold blood beneath my cowardly steel. You are told, that after this act of butchery, I coolly sat down to divide the plunder of my fellow creature. Nay, more, it is said that I boasted of this exploit as the deed of a soldier. Now, is there an English officer, the soldier, or the man, whose heart will not revolt at so dastardly, so base an act? Far better had it been, ere I had seen this day, to have fallen in the field, with my brave companions, turning with my arm the tide of battle, covered with honorable dust, my father and my mother might have blest the memory of their son; nor felt that shame which now consumes them.

At this part of the address of Thurtell, Hunt shed tears, and several persons in the court were much affected.

Thurtell, having taken a glass of water, appeared a good deal refreshed, and told the Jury that he should now proceed to comment upon the evidence that had been adduced against him, and which consisted of the most glaring contradictions, particularly that portion of it which had been given by those who had for their motive, the saving of their own lives. Beeson, the officer, had stated that the body of Mr. Weare had been searched for in vain until Hunt pointed it out. By whom then could that body have been placed there but Hunt himself, and what evidence had there been that the body had been thrown into Probert's pond but his own, upon which no reliance whatever should be placed? The Jury had learned that there was a pond in the neighborhood which was much better calculated for the reception of that which men would wish to have concealed for ever; and yet the body of Mr. Weare, had first been thrown, it was said, into one pool of water belonging to Probert, and then into another, which was in all appearance the very last which should be used for such a purpose. Why was this? It was because the large pond was constantly drained, and of course unfit for the dreadful business to which the other had been applied, and who could have known that, but a person who was resident in the neigh-

borhood, and to whom it was also known that the small pond was never drained? Probert knew all those circumstances, and the evidence went to prove that he and Hunt by whom the sack and cord had been purchased, had matured the atrocious plan which had been projected no doubt by Probert. In the consideration of the testimony of Mr. Rexworthy, it was necessary to reflect that that person himself was supported by gamblers, and of course deserving of little credit in consequence of the habits of his life. The statement of Ruthven, the officer, was worthy of the utmost attention. When that officer went to apprehend him (the prisoner) he found that there was no desire of concealment—no external appearance of guilt. The door was unlocked, and the drawers and trunks all exposed to view. Was this the conduct of a man privy to an atrocious murder? What had been found of a suspicious nature which claimed him for a master? Every ostensible proof of guilt was to be traced to the clothes of Hunt, and not to him, for he never wore any of those articles of dress which had been stained with blood. Ruthven had also stated, that upon going to take him into custody, another person was with him. Was this a proof of guilt? Has it a mark of that caution which invariably attended acts of this kind? Was there any thing of similar openness in the conduct of Hunt? No; all the clothes which had been mentioned as corroborants of the crime imputed, belonged to Hunt by gift from himself or from others, and to Hunt belonged that shawl which was said to have been tied around the neck of the deceased. Who was the man who testified against him most strongly? A murderer himself, one who by his own account did not hesitate to introduce to his own family a man whose hands were dipped in blood. Into his own pond too, did this murderer say the body had been flung, in the same breath acknowledging that he had eight in family. Who had introduced him (Thurtell) to Tetsall? Probert—and in no one statement had he been corroborated by a single individual. Was it upon the declaration of so vile a person the Jury would think of dooming a fellow creature to an ignominious death? upon the evidence of a man who is always willing to put himself up at auction, whose intention to murder Mr. Weare was palpable? This was manifest from the confessions of Hunt and Probert before the magistrates, and indeed it was impossible for him to form any opinion of those two men, except the opinion that they had arranged the whole plan of atrocious murder, that they

were to have met Weare on the fatal spot, and on that spot to have made him (Thurtell) the victim.—For this dreadful purpose they had worked themselves up by quantities of brandy & water. It had been mentioned as a proof of guilt that he and Hunt had slept on a sofa in Probert's house on the night of the murder. Where else could they sleep? Mrs. Probert had no other means of accommodating them, & that alternative was to be adopted. As to the acts of levity which were cited as instances of a desperate state of crime, they deserve no more notice than this, that they proved the total absence of all consciousness of offence. The whispering conversations represented to have taken place were arranged by Probert and his wife, in aid of the object of saving the life of a murderer. It has been said that it was his (Thurtell's) intention to murder another person besides Mr. Beaumont, and that person was said to be about to become in a short time the husband of Mrs. Probert's sister. Was it likely that such an act could be meditated against a person whose intended wife was the sister of a man who was privy to a murder of which he was himself said to be the perpetrator. Thurtell then called the attention of the Jury to the discrepancies between the evidence and Probert and his wife, with respect to the dragging of the dead body through the garden. The garden as described by Probert, had a house on one side, and a stable on the other, which last was in such a situation that it was impossible for him to have seen what he describes. Probert says that after this he went to bed immediately; and that he did not get up until next morning at 9 o'clock—a fact which is flatly contradicted by the evidence of his servant boy. Probert states that he told me on Sunday that Mr. Nicholls knew all about this business, and that I then said "I am baked," and yet, after this warning, I returned to town, to the place where I usually lived, and where I was well known, and could easily have been found at any time, and where, in fact, I was found. Mr. Probert has told you, that on the Monday I took his servant out of the way, that he might not answer questions; but the truth is, that the very next day Probert was to quit the cottage, having received a regular notice to quit from his landlord. Gentlemen, I will not disgust you by many more remarks upon this cold-blooded act. I cannot help persuading myself that the discrepancies I have already pointed out are quite sufficient to discredit such witnesses in your judgment. Between Probert and Hunt you will bear in mind that there

has been a struggle who should obtain the mercy of the crown. He has been admitted as an approver, and therefore every word of his testimony must be regarded with the strongest suspicion. You will not fail to have remarked on the character of this witness. It was wrung from him by Mr. Andrews, that he had six or seven times been committed by the commissioners under his bankruptcy, for perjury; you will not forget that he introduced Hunt to me, with an intention that is now too manifest. The disgusting affectation with which Mrs. Probert gave her evidence is quite sufficient to lay her credit under the strongest suspicion; what faith can you put in the testimony of a female who confesses that she put round her neck the gold chain which had been plundered from the murdered man; and that after the sanguinary tragedy had been perpetrated, she called upon the blood-stained Hunt to sing her a song? The bare statement of this fact is sufficient to overwhelm her as a witness, and render her utterly unworthy of her sex. You cannot have forgotten the account she gave of a long conversation, when she says she heard, altho' it was conducted in whispers, and although the door which intervened was shut. Now, in answer to a question put to her, she said, that the conversation, which she had heard in whispers, was after she had seen her husband dragging something across the water; in this she is directly contradicted by her husband, who says, that immediately after leaving the pond, he went up stairs to bed. Is it not plain, then, gentlemen, from this remarkable discrepancy, if from no other circumstance, that the pretended whispering is a sobeme which has been arranged between Probert and his wife, and which has broken down in their attempt to execute it? I know not—I cannot know: but I most firmly believe, that the body was never in Probert's pond at all. From the evidence of Mr. Probert and others, it is clearly proved that Hunt hired the horse and gig, and got every thing ready on the occasion; and from the evidence of Fleet it is found that Hunt took the shovel, which has been produced. Probert supplied the sovereign to pay Hunt's expenses. I beg to call your serious consideration to the evidence of Mr. Clarke, the landlord of the White Lion, at Edgewater. He states, that he met a gig on the wrong side of the road, and that at the same time a coach was passing, by the lamps of which he was enabled to distinguish my person. Does not your own experience prove this to be false? Is it possible that on a wide road, in a dark

night, a man passing at a quick rate, being 30 yards off, could be able to distinguish the countenance of another in an opposite gig, by the lamps of a coach? Would not the lamps in such a case hinder, rather than assist the view? Does not every night's experience prove this? But the circumstance of my being on the off side, and having, as he says, a gentleman with me, is, I submit to you, the strongest proof, that he could not catch a glimpse of my countenance. I beg also to draw your attention to the evidence of the hackney coachman who set Mr. Weare down at a quarter past 4 o'clock. You will please to recollect that he said positively it was half past four when the deceased left his coach—that he met him, and assisted in carrying away his bag. Now all the other witnesses say that I did not leave Mr. Tetsall's till five. These facts prove that I could not be the man who met him, and establish the fact that some other person must have met the deceased. The evidence of Probert is, that he left the Artichoke public house 11 minutes before nine, but Mr. Field says that he left at a quarter past seven. Taking this statement to be true, it is clear that Probert and Hunt had time enough to go to the top of Gill's Hill Lane and return to the Artichoke after they had perpetrated the murder, so as to enable them to throw the guilt upon the shoulders of any other person than their own. Can you believe, or can any body believe, that Probert without some inquiry, would have left his companion Hunt, on a dark night, at nine o'clock, half a mile from his own cottage? Is that possible, or can you be so much imposed upon as to believe it? No; I am satisfied you will not. I am satisfied you will consider this circumstance as sufficient to over-rule Probert's statement; and without that there is no evidence to support the charge against me. As to the evidence of the man who sold the pistols, I am sure you must be quite satisfied does not at all identify me with this transaction. Enough has been said to you about the watch; it has been most minutely and circumstantially described, and yet it is not forthcoming. Have you not a right, and have I not a still greater right, to ask, "Where is it? what has become of it? why do they not produce it?" I ought to rejoice, gentlemen, that these circumstances, upon which my prosecutors have relied to prove my guilt, will, when fairly and dispassionately considered, furnish evidence of my innocence. Gentlemen, your verdict must be formed entirely upon circumstances. Those circumstances I think I have satisfactorily shown do not point

at me as the perpetrator of this dreadful deed; but circumstantial evidence, gentlemen, is at the best as fearful a guide for human judgment, as the annals of our own and of foreign jurisprudence too frequently show. The imperfection of human judgment, aided only by circumstantial evidence, devoted a father to death for the supposed murder of his son, and a servant for a crime of which she was afterwards proved to be innocent. The names of Calas and the maid of Palaiseau present an awful lesson to Judges and Jurors who have to decide upon the lives of their fellow creatures. In our own happy country, instances of incorrect judgments have been frequent, but still they have occurred often enough to inspire Jurors with the utmost caution.

[Thurtell here read, at considerable length, the details of eight or nine cases, in which innocent persons had been convicted upon what appeared to have been the strongest and most unexceptionable circumstantial evidence.

The prisoner read these cases with a firm voice, and in a most distinct tone.]

“ And now, gentlemen, having read those cases to you, am I not justified in saying, that unless you are thoroughly convinced that the circumstances before you are absolutely inconsistent with my innocence, I have a claim to your verdict of acquittal? Am I not justified in saying, that you might come to the conclusion that all the circumstances stated might be true, and yet I be innocent? Judge of my case, gentlemen, with mature consideration, and remember that my existence depends upon your breath. If you bring in a verdict of guilty, the law afterwards allows no mercy. If upon a due consideration of all the circumstances you shall have a doubt, the law orders, and your own consciences will teach you to give me the benefit of it. Cut me not off in the midst of my days. I implore you, gentlemen, to give my case your utmost attention, I ask not so much for myself as for those respectable parents whose name I bear, and who must suffer in my fate. I ask it for the sake of that home which will be rendered cheerless and desolate by my death. Gentlemen, I am incapable of any dishonorable action. Those who know me best know that I am utterly incapable of an unjust and dishonorable action, much less of the horrid crime with which I am now charged. There is not, I think, one in this Court who does not think me innocent of the charge. If there be—to him or them, I say, in the language of the Apostle, ‘Would

to God ye were altogether such as I am, save these bonds.' Gentlemen, I have now done. I look with confidence to your decision. I hope your verdict this day will be such as you may ever after be able to think upon with a composed conscience; and that you will also reflect upon the solemn declaration which I now make—I am innocent so help me God."

Thurtell pronounced the last sentence in the most emphatic manner. He raised his eyes to Heaven, and extended his arms a little, then drew them back, pressed his hands closely to his heart. He then bowed to the Judge and Jury, and resumed his seat. His whole demeanor seemed to have created a strong feeling in his favor. He read the extracts with considerable skill, laying particular stress upon such parts of the several narratives as were calculated to make an impression. His voice was firm, distinct, and marked by a slight provincial accent.

I have omitted part of the charge, more especially that part relating to Hunt. The charge to the Jury was given by Mr. Justice Park, who, after explaining the law relating to principal and accessory in such cases, and extolling the defence of Thurtell, and stating the necessity of relying on circumstantial evidence, proceeds as follows:

"With respect to the man Probert, I think it necessary to declare in the outset, that a more infamous character never presented himself in a Court of Justice. I will assume what was said by Thurtell in his defence; that such a man as Probert might have a bad motive for charging him with the crime, but this very circumstance, ought to make us more comfortable under the necessity which is imposed upon us of resorting to circumstantial evidence. Probert and one or two more bad men might have entered into a conspiracy, but it is impossible that the fifty-three individuals who were witnesses in this indictment, many of whom never heard of Thurtell, or knew any thing of his person, should have entered into a conspiracy to bring the charge home to the prisoner at the bar. Another most distressing circumstance in this case is, the prejudice which has been raised against the prisoners through the press, of which they have both complained, and which no body can gainsay. The prisoners have been obliged in their defence to press this point on your attention; they have been compelled to appeal to you, to warn you, to beseech you, if ever you have heard or read any accounts of this painful and

melancholy transaction, to dismiss them from your minds, as you would a pestilence. It is these statements of evidence before trial which corrupt the purity of the administration of justice in its source, and if they are not checked, I tremble for the fate of our country.

“If the confession of the prisoner (meaning Hunt) were made under such circumstances as have been stated by his counsel, and had it been tendered to me in evidence, I should have rejected it immediately; I could not and would not have received it. A confession obtained by saying to the party, ‘you had better confess,’ or ‘it will be worse for you if you do not confess,’ is not legal evidence. But though such a confession is not legal evidence, it is every day’s practice, that if in the course of such a confession the party state where stolen goods or a body may be found, and they are found accordingly, that is evidence, because the fact of finding proves the truth of the allegation, and his evidence in this respect is not vitiated by the hopes or threats which may have been held out to him.

“The main body of this charge rests upon the testimony of Probert and his wife, and it is necessary, therefore, that I should clearly point out to you what the law of England is on the subject of accomplices. By the law of England, gentlemen, an accomplice is a competent witness. In the present instance I admitted—I was bound to admit—Probert as a competent witness; but I call upon you—I advise you not to credit one word of his evidence, unless you find his testimony corroborated upon the main facts of the case. If, therefore, you find Probert corroborated upon the main points, by credible witnesses, it is my duty to tell you that you are bound to give credit to his testimony.”

The first witness called was a man named Beeson.—(Here the learned Judge proceeded to read the evidence of the first witness.)—Gentlemen, you were told that a body was found in a pond. In this case I felt it necessary to have it proved that the body found was the body of Mr. Weare. This fact you will find proved by Mr. Rexworthy, and the brother of the deceased. You have it also proved to you by the testimony of Mr. J. A. Ward, the surgeon, that the wounds inflicted on the deceased were sufficient to cause death. (The learned Judge again proceeded to read the evidence at length.) He at length said, now, gentlemen, we come to the grand question, namely, by whom was the murder committed?

You have it in evidence that Hunt was not present at the actual murder. (His lordship again proceeded to read the evidence occasionally pointing out the corroboration by one witness of the evidence of the other upon material points.) We now, gentlemen, come to the evidence of Probert, whom I wish you to consider as the basest of men, but whose testimony, if corroborated, you are bound to receive. The officer who arrested Thurtell says, that he found a pistol and a pistol-screw in his coat pocket. Now, attend to the corroboration upon this point. The pawn broker's boy, a disinterested witness, tells you that he sold that pistol and another like it, and a pistol-screw, to the prisoner Thurtell and another, whom he described as a tall man and a short one, on the very day of the murder of Mr. Weare.—He swears also to the other pistol found in Gill's Hill Lane, and having blood and hair upon it, and which perfectly corresponds with that found on Thurtell. On searching Hunt's lodgings, the officer found a backgammon board, cards and dice, a double-barreled gun, some shirts, boots, stockings, and other things, all of which have been fully proved to you to have been the property of the late Mr. Weare. This, gentlemen, is strong evidence to bring the prisoners, Thurtell and Hunt, together; and it is for you to consider whether the latter was not an accessory before the fact, and had not received these things as a doer for the part which he took in the transaction. His lordship went on reading other parts of Probert's evidence. Probert says, that they had told him the next morning, that they (Hunt and Thurtell) had been down the lane to look for the knife and pistol. Now, we find, if you believe the two men, Harrington and Hunt, who were working in the lane, that two persons did come down the lane at an early hour on Saturday morning, one of whom wore a white and the other a black hat. Harrington, it is to be observed, only swears to the person of one of the individuals, viz. the one with a white hat, who was, he says, the prisoner, Thurtell. Thurtell, it is proved, however, had no white hat of his own, but Probert had one. Now the question is, whether Thurtell had this hat of Probert's? On this point a piece of evidence not immaterial is that of Susan Woodroffe, the maid, who, in the course of the evening, went into the parlor of the cottage, and saw John Thurtell lying on the sofa with her master's hat on his head. Now, when it was proved that Thurtell and Hunt were searching about apparently for the pistol and knife, and that afterwards

a pistol and knife were found, near the place where they had searched, the testimony of Hunt and Harrington becomes very material evidence, not in itself, but as corroborating and confirming the positive testimony of Probert. (After reading, in the evidence of Probert, to the part where Thurtell is represented to have produced the gold watch, the learned Judge asked)—Is there a confirmation of this? According to Mrs. Probert, Thurtell produced the chain and gave it her. Thurtell, she says, gave it her, and Miss Noyes says he put the chain round her neck. Respecting the watch, too, which is mentioned by Probert, there is in confirmation the evidence of Upson and Forrester. Thurtell, Upson tells us, said to him that he threw away the watch over the palings, beyond Watford, in a place where there was some grass, to get rid of it. To Forrester he said, that Hunt was a rascal for so nosing him; that he would on no account have done so to him; and among other things, that he offered the watch for sale. In this particular, therefore, Probert is confirmed by these witnesses. The learned Judge having read the part of the testimony of Probert, in which are detailed the circumstances of the murder, and where Thurtell is represented to have said, "When I first shot him, he jumped out of the gig, and ran like the devil, singing out, that if he would spare his life he would deliver all he had won." He remarked, as singing out is a maritime term, I asked at the time whether Thurtell had not been in the navy. (It subsequently appeared, from the testimony of Captain M'Kinley, that he had.)—The use of this term is a circumstance very fit to be taken into your consideration, as it gave a probability to this part of the testimony of Probert. The learned Judge then remarked that the appearance of the pistol corroborated Probert's evidence of the manner of the murder. As to the carpet, bag and gun, he observed, these were proved both by the man and woman servants to have been in the cottage. They were also proved to have been the property of Weare.

Mr. Justice Park proceeded to read the evidence of Probert respecting the disposal of the body and effects. On this point he observed, you have the confirmation of the wife, who overheard the whispering and the talking in the parlor, and saw something dragged from the stable along the garden towards the pond.

The learned Judge then proceeded to read the rest of the evidence of Probert, in which he was confirmed by the testi-

mony of Thomas Thurtell, who spoke of the change in the dress and appearance of Hunt; by Mr. Nicholls, who spoke of the visit made to him; by R. Addis, the servant boy, who said that he was sent to London without having any business to do there—a statement which agreed with Probert's testimony that he was sent there to be out of the way. The testimony of Probert, that the body was first put into one sack, and subsequently taken out of that and put into another, was corroborated by the testimony of Anne Woodroffe, the servant maid, who saw a wet sack hanging up in the chaise-house. The learned Judge then read over, with a few observations, the evidence of Mrs. Probert, Thomas Noyes, Miss Noyes, and Thomas Thurtell. Miss Noyes stated, it was to be observed, that when Probert, Hunt, and Thurtell, left the cottage, on the Friday evening, they said that they were going to Mr. Nicholls'; that when they returned, they said Mr. Nicholls was out; and that this last fact was contradicted by Mr. Nicholls himself. It was therefore necessarily to be inferred, that they went out for some purpose which they wished to conceal. In the evidence of Tetsall it was to be observed, that Hunt, who had previously been in the habit of wearing large whiskers, had shaved them all off on Monday.—Roxwortny's evidence was given as to the fact of Thurtell and the deceased having been at his house, and as to the identity of the body of Mr. Weare: if much depended on this part of the testimony, I should constantly feel some difficulty. The vocation of the witness is none of the most respectable. But his testimony as to the identity of the body is confirmed by the brother of the deceased and by other evidence. There can, I think, be no doubt about it. Mrs. Maloney, the laundress, identified the wearing apparel and property of Mr. Weare. You will consider, gentlemen, how it is to be accounted for that those clothes, which were the property of a gentleman in Lynn's-Inn, at three o'clock in the afternoon, should get down at nine or ten o'clock at night to a place in the county of Hertford. How could it be possible that these things should be in possession of John Thurtell without throwing on him strong suspicions of guilt? When Hunt went to hire the gig, the learned Judge remarked, he informed the witness, Shepherd, that he was going to Dartford. This was a very material circumstance, as affecting Hunt. Why was it, if he knew nothing of what was going on, that he gave this false account of the direction that he was about to take? The

next witness, Stephen Marsh, stated a very important circumstance, and one very confirmatory of the testimony of Probert.—He says, that Hunt took a gig from Charing-cross about half past three on Monday, and returned about half past two o'clock in the morning—a very unseasonable hour; that the gig and horse were very dirty, and that there was a little blood at the bottom of the gig. This agreed with the testimony of Probert, who said that in that interval the body was removed in that gig from the pond in Probert's garden to the pond where it was ultimately found.

The learned Judge briefly stated the substance of the remaining evidence, and then said,—Gentlemen of the Jury, I have now gone through the whole of this evidence, and I am not conscious that I have omitted any fact which can bear on the case of the prisoners one way or the other.—In behalf of the defence has been called Mr. Wadesen, a respectable solicitor of the city of London. He states, that he would not believe probert on his oath unless he were confirmed by other testimony; and certainly, from what I have heard of him in this place, I must join with Mr. Wadesen in that opinion. With respect to Hunt, you have heard that he is to apply for mercy to the Crown.—The prisoner Thurtell has made a long address to you, and it is for you to pay every attention due to his statement. The prisoner Thurtell is to be distinguished from the prisoner Hunt in this, that he has called three witnesses to speak to his character—A respectable naval officer, Captain M'Kinley, a Mr. Haydon, and a Mr. Walmsley. It must be observed of this testimony, and I speak it with concern, that it is in great part to character of an ancient date. Captain M'Kinley tells us that he has not known the prisoner since 1814; and when the prisoner, in his own statement, speaks of the difficulties and distresses which he has since that time encountered, and which too often have an influence on the character of him who suffers them, the value of that testimony cannot be considerable. Mr. Haydon, the auctioneer, says, that he has known Thurtell down to the present time;—he does not say how long he has known him, but he says he has not lost sight of him for the last three years, and that he has always thought him a liberal and open-hearted man. Mr. Walmsley, the bailiff, says he has known him to the present time. What his knowledge was, and how the acquaintance originated, he does not state, but he always thought the prisoner a gentlemanly and honest man. I must observe

to you, gentlemen, that testimony as to character ought to prevail only in cases where fair and rational doubts are entertained as to other evidence. If there be rational doubts, such as may occur to fair minds, and to men acting on their oaths, you should then give the prisoner the benefit of those doubts, and throw into the scale whatever testimony to his character has been adduced. But, gentlemen, and I can say no more than this, after the careful examination of the evidence thro' which I have led you, you must consider the weight of the facts proved in that evidence. If, notwithstanding the darkness at the time the crime was committed—if, notwithstanding the secrecy with which guilt seeks to shroud itself, the finger of God has pointed as plainly to the criminals as if they had committed their crime in the face of day, and before your eyes; it is your duty to your country, your duty to God, your duty to yourselves, to pronounce the judgment which must satisfy your consciences, notwithstanding any feeling you may have towards the individuals its consequences may affect. Gentlemen, consider of your verdict.

The Jury retired for half an hour, and returned with a verdict of *guilty* against both the prisoners, and Thurtell was executed and his body given to the surgeon for dissection.

In the reign of Charles the Second, a French refugee of the name of Du Moulin was tried for coining, and never perhaps was evidence from circumstances more conclusive of a man's guilt. It was proved beyond all doubt, that he had been often detected in uttering false gold; and that he had even made a practice of returning counterfeit coins to persons from whom he had received money, pretending that they were among the pieces which had been paid him. When the officers of justice went to arrest him and search his premises, they found a great number of counterfeit coins in a drawer by themselves; others packed along with good money in different places; some aqua-regia, several files, a pair of moulds, and many other implements for coining,

Du Moulin solemnly denied the charge. The bad money, he said, "which was found in a heap, he had thrown together, because he could not trace the person from whom he had received it; the other parcels of money he had kept separate, in order that he might know to whom to apply, should any of it prove bad. As to the implements of coining, he knew nothing about them, and could not possibly account for

their being found where they were." A likely story truly! So thought the jury, and so whispered every person who heard it. Du Moulin was found guilty, and received sentence of death.

A few days before Du. Moulin was to be executed, a person of the name of Williams, a seal engraver, met with his death by an accident; his wife miscarried from the fright, and sensible that she could not live, she sent for the wife of Du Moulin, and revealed to her that Williams, her husband, had been one of four whom she named, who had for many years lived by counterfeiting gold coin; that one of these persons had hired himself as a servant to Du Moulin; and being provided by the gang with false keys, had disposed of very considerable sums of bad money, by opening his master's escritoire, and leaving the pieces there instead of an equal number of good ones which he took out. The wife of Williams appeared in great agony of mind while she gave the account, and as soon as it was finished, fell into convulsions and expired.

The parties she had named were, on the information of Madame Du Moulin instantly apprehended, and after a short time one of them turned king's evidence. The one who had been servant to Du Moulin persisted in asserting his innocence, until some corroborating circumstances were produced, so unexpected and decisive, that he burst into tears, and acknowledged his guilt. On being asked how the instruments for coining came into his master's escritoire, he answered "that when the officers came to apprehend his master, he was terrified lest they should be found in his (the servant's) possession, and hastened to his box in which they were deposited, opened the escritoire with his false key, and had just time to shut it before the officers entered the apartment."

Du Moulin was of course pardoned, and the servant and his associates most deservedly suffered in his stead.

Mr. Martin, receiver of taxes at Bilguy, in France, having in the year 1818, been out collecting the taxes, was returning home along the high road, when he was shot through the heart, at one o'clock in the afternoon. He had only one hundred francs about him, of which he was robbed, as well as of his watch and ring. The manner in which the murderer was discovered, was extremely singular. The charge of the gun had been rammed down with a written paper; part of

this wadding had been found, and carefully carried away with the body: the writing was still legible. On this piece of paper there were phrases which are used in glass manufactories, and a date of near fifteen years previous. Upon this single indication the judge went to the owner of the glass manufactory at Bilguy, examined his books, and succeeded in finding an entry relative to the delivery of some glass, of which the paper in question was the invoice. The suspicion immediately fell on the son-in-law of this individual; the latter had been out of the country for ten years. Orders were given to arrest the person suspected. When the officers came to him, he was on his knees praying. In his fright he confessed the deed; and even showed where the watch and ring were concealed, under the thatch of his house.

Dr. Fordyce, in his Dialogues on Education, relates the following striking incident, which he says occurred in a neighboring state. A jeweller, a man of good character and considerable wealth, having occasion to leave home on business at some distance, took with him a servant. He had with him some of his best jewels and a large sum of money. This was known to the servant, who, urged by cupidity, murdered his master on the road, rifled him of his jewels and money, and suspending a large stone round his neck, threw him into the nearest canal.

With the booty he had thus gained, the servant set off to a distant part of the country, where he had reason to believe that neither he nor his master was known. There he began to trade; at first in a very humble way, that his obscurity might screen him from observation; and in the course of many years, seemed to rise by the natural progress of business into wealth and consideration; so that his good fortune appeared at once the effect and reward of industry and virtue. Of these he counterfeited the appearance so well, that he grew into great credit—married into a good family, and was admitted into a share of the government of the town. He rose from one post to another, till at length he was chosen chief magistrate. In this office he maintained a fair character, and continued to fill it with no small applause, both as governor and a judge; until one day as he presided on the bench with some of his brethren, a criminal was brought before him, who was accused of murdering his master. The evidence came out fully; the jury brought in their verdict

that the prisoner was guilty, and the whole assembly waited the sentence of the president of the court with great suspense.

The president appeared to be in unusual disorder and agitation of mind; his color changed often; at length he arose from his seat, and descending from the bench, placed himself close to the unfortunate man at the bar, to the no small astonishment of all present. "You see before you," said he, addressing himself to those who had sat on the bench with him, "a striking instance of the just awards of heaven, which, this day, after thirty years' concealment, presents to you a greater criminal than the man just now found guilty." He then made a full confession of his guilt, and of all its aggravations. "Nor can I feel," continued he, "any relief from the agonies of an awakened conscience, but by requiring that justice be forthwith done against me in the most public and solemn manner."

We may easily suppose the amazement of all the assembly, and especially of his fellow judges. However, they proceeded upon his confession to pass sentence upon him, and he died with all the symptoms of a penitent mind.

In the year 1580, a bill of complaint was prepared before the criminal judge of Rieux, in France, by a woman of the name of Bertrand de Rols, whose cause of grievance was of the following extraordinary nature:—She said that she had at an early age been married to one Martin Guerre, who after living with her about ten years, had deserted her, and gone ~~no one~~ knew whither; that at the end of eight years a man came who had so exactly the features, stature, and complexion of Martin Guerre that she had taken him for her true husband; and had unsuspectingly lived with him as such for the space of three years, during which time she had two children by him; that to her surprise she now found out that the man was not the real Martin Guerre, but one Arnaud du Tilh, of Sagias, commonly called Pansette, who had artfully taken the advantage of his resemblance to her husband, to impose himself upon her; and besides usurping the conjugal rights of Martin Guerre, had obtained possession of all the property that belonged to him.

In answer to this strange story, the man said to be Arnaud du Tilh, protested that the prosecution was nothing more than a wicked conspiracy which his wife and relations had hatched to get rid of him; that if he was not the real Martin Guer-

re, he did not know who he was; that he had this name as far back as he could remember; that it was he who had married when a youth the complainant, Bertrand de Rols, and had lived with her so many years; that not only she had received him on his return with all the warmth of a loving and affectionate wife, but that all the family of the Guerres, and among others, four sisters, had instantly and gladly recognized him as their own long-lost Martin Guerre.

The Judge made both parties undergo a severe personal examination, first separately, and then in presence of each other; and the answers of the man were on every point, even of the most minute and private description, such as, in all human belief, none but the real Martin Guerre could have given.

Witnesses were then examined to the number of nearly one hundred and fifty. Of these, between thirty and forty, including the four sisters, swore that he was the true Martin Guerre; that they had known him and conversed with him from his infancy; that they were perfectly acquainted with his person, manners, and tone of voice; and that they were moreover convinced of the truth of what they asserted, by certain scars and secret marks, which it was impossible for time to efface. A great many on the contrary swore quite as positively that he was no other than Arnaud du Tilh, called Pansette, and they had known him as long, and been as familiarly acquainted with him as those who pretended that he was Martin Guerre. The rest of the witnesses declared, that there was so strong a resemblance between the two persons in question, that it was impossible for them to determine whether the accused was Martin Guerre, or Arnaud du Tilh.

The judge on weighing the whole case, inclined to the belief that the man was not the real Martin Guerre, but Arnaud du Tilh, and condemned him as a wretched impostor, to suffer the punishment of death.

From this sentence the accused appealed to the parliament of Toulouse, who ordered an inquisition to be taken as to the principal facts in dispute, with this limitation, that none but new witnesses should be examined. But so far was this ordinance from eliciting any new light, that it served only to render the affair still more obscure than it was before. Of thirty new witnesses examined, nine or ten were positive that he was the true Martin Guerre; seven or eight were as positive that he was Arnaud du Tilh; the rest having weighed all

circumstances, and being afraid of injuring their consciences, declared plainly that they were not able to say who he was.

Among the witnesses who negatived most positively his identity with Martin Guerre, was a shoe-maker who used to make shoes for Martin; he deposed that Martin's foot reached to the twelfth mark, whereas the foot of the accused reached no farther than the ninth mark upon his rule. Another witness swore that Martin Guerre was dexterous in wrestling, of which this man did not pretend to know any thing.

But on the other hand, among those who had formerly sworn that he was the true Martin Guerre, and still persisted in their depositions, were the four sisters of Martin, who were all brought up with him, and who all had the reputation of being women of good sense; two of the brothers-in-law of Martin; and all the parties who were present at the nuptials of Martin and Bertrand de Rols. All, or at least the greater part of these witnesses, agreed that Martin Guerre had two scars under his eye-brow, that his left eye was bloodshot, the nail of his first finger crooked, that he had three warts on his right hand, and another on his little finger; and all of these peculiarities were to be traced on the accused.

The parliament began now to incline to the part of the accused, and had thoughts of reversing the judgment of the inferior judge, when of a sudden, as if he had dropped out of the clouds, a man calling himself the true Martin Guerre, but with a wooden leg, appeared. He asserted that he came from Spain, where he had lost his leg in battle; and that the person who had assumed his name had been his companion in arms, and had thus doubtless got so well acquainted with all the particulars of his private history.

He was interrogated by the court as to the same facts on which the accused had been questioned. All his answers were true, yet they were neither so clear, so positive, nor so exact, as those given by the accused. He was next confronted with the supposed Arnaud, when the latter treated him as an impostor, as a fellow picked out by his relations to support this character, and take away his life. The accused, to make this the clearer, asked him a number of questions, as to several family transactions; and these he answered faintly and with some confusion. The court on this directed Arnaud to withdraw, and then put several questions to Martin with the one leg, that were new, and had never been asked before; and his answers were very full and satisfactory. They then

called Arnaud, and questioned him as to the same points; but to the great surprise and confusion of the court, the answers of Arnaud were not only as full and satisfactory as those of Martin, but perfectly corresponded with them.

The court, resolving to clear up this unaccountable obscurity, directed that now both the pretenders being present; the four sisters of Martin Guerre; the husbands of two of them; Peter Guerre, an uncle; the brothers of Arnaud du Tilh, and some of those witnesses who were most obstinate in insisting that the accused was Martin Guerre, should be called in and obliged to point out which of the two they should now judge to be the true Martin. Accordingly all these persons appeared, except the brothers of Arnaud du Tilh. The first who drew near the two persons claiming the name of Martin Guerre, was the eldest of the sisters, who after she had looked upon them for a moment, ran to the Martin with the wooden leg, embraced him, and having let fall a shower of tears, addressed herself to the commissioners in these words: "See, gentlemen," said she, "my brother Martin Guerre! I acknowledge the error into which this wretched man (pointing to Arnaud) drew me and many others, and in which, by a multitude of artifices he has made us persist so long." Martin all this time mingled his tears with those of his sister, and received her embraces with the utmost affection. All the rest knew him as soon as they saw him; and there was not one of all the witnesses who did not acknowledge that the matter was now plain, and that Arnaud du Tilh was an impostor.

No doubt now remaining as to the guilt of Arnaud, the court condemned him to death, and he was executed accordingly in front of Martin Guerre's house, testifying his sincere repentance for the imposture in which he had been engaged.

A NEW SUBJECT FOR A LAW SUIT.

The following is a relation of a very singular affair which took place some years since in a French Province:

A man of fashion and wealth paid his addresses to a young lady of beauty, rank, and distinguished merit. As there was a parity in years, in fortune, and in situation, the lady received her gallant with the customary condescension females seldom withhold from those whom they are taught to pronounce upon an equal with themselves.

The parents of the young lady, however, from some motive, disapproved of the match. The gentleman pleaded, but in vain; and finding it impossible to overcome the *aged obstinacy* of the parents, he resolved to solicit the charmer's consent to enter into the holy bands of matrimony, without any farther consultation with the parents, who seemed resolutely to persist in denial. Having fully explained himself on this head, the young lady after recovering from the confusion, which on these occasions is visible among the virgin fair, consented to become his wife. They were wedded, and the marriage kept a profound secret.

It happened after a few years had elapsed, that the husband was obliged to leave his lovely bride, being called into a foreign country in order to adjust some affairs which required his immediate presence.—The necessity was no less urgent than disagreeable to both parties—however, they permitted their good sense to operate, and after vowing mutual affection and fidelity, parted in certain expectation of seeing each other, at a time when such an alteration should take place as might afford them an opportunity of living in a manner every way becoming a virtuous and happy wedded pair.

For some time they corresponded; but the husband being obliged to cross several tempestuous seas, did not receive such frequent answers to his epistles as he had reason to expect. This he attributed to a distance of climate, rendering a regular correspondence altogether impracticable, and as he imagined his letters had been miscarried, he resolved for the present to desist from writing, not relishing to have his sentiments canvassed over by indifferent strangers, or perhaps captious enemies. Another reason which induced him to lay aside for the present all thoughts of continuing an epistolary correspondence was the prospect he had of shortly returning to France, where the presence of his amiable consort would infinitely exceed all ideal interviews, and make ample amends for all the pangs his heart had undergone. It is now time that we should return to the lady.

As she possessed considerable share of youth and beauty, it is not to be supposed that she could remain without a train of admirers. Her parents who never dreamed about their daughter's previous marriage, became more anxious to select a person whose mental and personal endowments, might in their own estimation, render him worthy of their favorite daughter's hand and heart.

Several years had now rolled on, without the lady's hearing a syllable from her real husband. At length the fatal news arrived that he was no more.

The lady was inconsolable—but she found it prudent to stifle her griefs, that she might not excite the smallest degree of suspicion. When she had paid every tribute consistent with reflection to the memory of her departed lord, a gentleman was proposed by her parents for her approbation, and the good old people were so prejudiced in favor of the person whom they had chosen, they gave their daughter to understand that their happiness depended on her compliance.

The young lady who thought herself entirely at liberty to commit a second trespass upon Hymen, after some little hesitation consented. The nuptials were celebrated; the lady if not happy, was placid, and serenely content—the parents were delighted, the bridegroom was enraptured, and all were jocund, and all were sprightly. For four years this newly married couple lived in complete harmony, but at length an intermitting fever seized the lady: the physicians were baffled, and she to all appearances, paid the debt due to nature. She was buried with pomp, and all reverence shown to her memory the custom of the country would admit of.

During her illness, her former husband whom we left abroad had returned, and after making the necessary inquiries, was informed of every circumstance we have related above.

As he was unwilling to surprise her while she was combated with sickness, he had employed a trusty person to make him acquainted with each particular of her case—and the very moment the news of her death reached his ear, he was seized with a frantic wildness within his soul, and he resolved to receive no sustenance, but to bury himself among the mould which lay lightly on her breast, and thus pine out the remaining period of his existence.

Full of this resolution he repaired the night she was buried to her tomb, and after digging up the earth, discovered her coffin, fetched a deep sigh, and was about to stretch his wearied limbs, when to his consternation, astonishment, and affright; he perceived signs of life. He tore open the coffin, and found it even as he suspected. He snatched her up in his arms, conveyed her to the house of a neighbor, had her put into a warm bed, and in a few weeks she was perfectly restored to life, and tolerable health.

As she had a real affection for her first husband she made no scruple in choosing him for her companion—but as the affair soon made a prodigious noise throughout the country, the second husband, who also doated on her to distraction, no sooner was informed of the particulars than he attempted to force her to live with him.—The prior claimant as resolutely persisted in keeping her to himself. In short a law suit was commenced, and the most learned advocates in France were employed; a redundancy of erudition was displayed, and after being litigated for a length of time, a solemn decision was made in favor of the former husband.

The story has so much the air of fable and romance, that to leave an impression of its truth on the minds of the readers, it is necessary to inform them that the French lawyers have selected all the famous trials with the decisions that have been given in their Courts for a series of years.

This work which is contained in several folio volumes, is entitled "Les Causes Celebree." The above very extraordinary relation is recited therein together with all the subtle and ingenious arguments used by the opposite advocates for the different husbands. So there can be but little doubt of the truth of the narrative so expressly and well authenticated.

INNOCENCE MANIFESTED.

The following transaction is taken from the Life of the Rev. William Tennent, of Freehold, Monmouth County, N. J. and it took place in or about the year 1744.

The time of which we are now speaking was remarkable for a great revival of religion, in which Mr. Tennent was considerably instrumental, and in which a Mr. David Rowland, brought up with Mr. Tennent at the Log-College, was also very remarkable for his successful preaching among all ranks of people. Possessing a commanding eloquence, as well as other estimable qualities, he became very popular, and was much celebrated throughout the country. His celebrity and success were subjects of very serious regret to many careless worldlings, who placed all their happiness in the enjoyment of temporal objects, and considered, and represented Mr. Rowland and his brethren as fanatics and hypocrites. This was specially applicable to many of the great men of the then province of New-Jersey, and particularly to the Chief Justice, who was well known for his disbelief of Revelation.

There was at this time, prowling through the country, a noted man by the name of Tom Bell, whose knowledge and understanding were very considerable, and who greatly excelled in low art and cunning. His mind was totally debased, and his whole conduct betrayed a soul capable of descending to every species of iniquity. In all the arts of theft, robbery, fraud, deception and defamation, he was so deeply skilled, and so thoroughly practised, that it is believed he never had his equal in this country. He had been indicted in almost every one of the middle colonies; but his ingenuity and cunning always enabled him to escape punishment. This man unhappily resembled Mr. Rowland in his external appearance, so as hardly to be known from him, without the most careful examination.

It so happened that Tom Bell arrived one evening at a tavern, in Princeton, dressed in a dark, parson's gray frock. On his entering the tavern about dusk, the late John Stockton, Esq. of that town, a pious and respectable man, to whom Mr. Rowland was well known, went up to Bell and addressed him as Mr. Rowland, and was inviting him to go home with him. Bell assured him of his mistake. It was with some difficulty that Mr. Stockton acknowledged his error, and then informed Bell that it had arisen from his great resemblance to Mr. Rowland. This hint was sufficient for the prolific genius of that notorious impostor. The next day Bell went into the County of Hunterdon, and stopped in a congregation where Mr. Rowland had formerly preached once or twice, but where he was not intimately known. Here he met with a member of the congregation, to whom he introduced himself as the Rev. Mr. Rowland, who had preached to them some time before. This gentleman immediately invited him to his house to spend the week; and begged him, as the people were without a minister, to preach for them on the next Sabbath, to which Bell agreed, and notice was accordingly given to the neighborhood. The impostor was treated with every mark of attention and respect, and a private room was assigned to him as a study, to prepare for the Sabbath. The sacred day arrived, and he was invited to ride to church with the ladies in the family waggon, and the master of the house accompanied them on an elegant horse. When they had arrived near the church, Bell on a sudden discovered that he had left his notes in his study, and proposed to ride back for them on the fine horse, by which means

he should be able to return in time for the service. This proposal was instantly agreed to, and Bell mounted the horse, returned to the house, rifled the desk of his host, and made off with the horse. Wherever he stopped, he called himself the Rev. David Rowland.

At the time this event took place, Messrs. Tennent and Rowland had gone into Pennsylvania or Maryland with Mr. Joshua Anderson and Mr. Benjamin Stevens (both members of the church contiguous to that where Bell had practised his fraud) on business of a religious nature. Soon after their return, Mr. Rowland was charged with the above robbery. He gave bonds to appear at the Court at Trenton, and the affair made a great noise throughout the colony. At the Court of oyer and terminer, the Judge charged the grand jury on the subject with great severity. After long consideration, the jury returned into Court without finding a bill. The Judge reproved them, in an angry manner, and ordered them out again. They again returned without finding a bill, and were again sent out with threatenings of severe punishment if they persisted in their refusal. At last they agreed, and brought in a bill for the alleged crime. On the trial, Messrs. Tennent, Anderson and Stevens appeared as witnesses, and fully proved an *alibi* in favor of Mr. Rowland, by swearing, that on the very day on which the robbery was committed, they were with Mr. Rowland and heard him preach, in Pennsylvania or Maryland. The jury accordingly acquitted him without hesitation, to the great disappointment and mortification of his prosecutors, and of many other enemies to the great revival of religion that had recently taken place; but to the great joy of the serious and well disposed.

The spirits hostile to the spread of the gospel were not, however, so easily overcome. In their view, an opportunity was now presented, favorable for inflicting a deep wound on the cause of Christianity; and, as if urged on by the malice of man's great enemy, they resolved that no means should be left untried, no arts unemployed, for the destruction of these distinguished servants of God. Many and various were the circumstances which still contribute to inspire them with hopes of success. The testimony of the person who had been robbed was positive that Mr. Rowland was the robber; and this testimony was corroborated by that of a number of individuals, who had seen Tom Bell personating Mr. Rowland, using his name, and in possession of the horse. These

sons of Belial had been able, after great industry used for the purpose, to collect a mass of evidence of this kind, which they considered as establishing the fact; but Mr. Rowland was now out of their power by the verdict of *not guilty*. Their vengeance, therefore, was directed against the witnesses, by whose testimony he had been cleared; and they were accordingly arraigned for perjury before a Court of quarter sessions in the County; and the grand jury received a strict charge, the plain import of which was, that these good men ought to be indicted. After an examination of the testimony on one side only, as is the custom in such cases, the grand jury did accordingly find bills of indictment against Messrs. Tennent, Anderson and Stevens, for wilful and corrupt perjury. Their enemies, and the enemies of the gospel, now began to triumph. They gloried in the belief, that an indelible stain would be fixed on the professors of religion, and of consequence on religion itself; and that this *new light*, by which they denominated all appearance of piety, would soon be extinguished forever.

These indictments were removed to the Supreme Court; and poor Mr. Anderson, living in the County, and conscious of his entire innocence, could not brook the idea of lying under the odium of the hateful crime of perjury, and demanded a trial at the first Court of oyer and terminer. This proved most seriously injurious to him, for he was pronounced guilty, and most cruelly and unjustly condemned to stand one hour on the Court house steps, with a paper on his breast whereon was written, in large letters, "This is for wilful and corrupt perjury;" which sentence was executed upon him.

Messrs. Tennent and Stevens were summoned to appear at the next Court; and attended accordingly, depending on the aid of Mr. John Coxe, an eminent lawyer, who had been previously employed to conduct their defence. As Mr. Tennent was wholly unacquainted with the nature of forensic litigation, and did not know of any person living who could prove his innocence, (all the persons who were with him being indicted) his only resource and consolation was to commit himself to the Divine will, and if he must suffer, to take it as from the hand of God, who, he well knew, could make even the wrath of man to praise him; and considering it as probable that he might suffer, he had prepared a sermon to be preached from the pillory, if that should be his fate. On his arrival at Trenton, he found the famous Mr. Smith, of

New-York, father of the late Chief Justice of Canada, one of the ablest lawyers in America, and of a religious character, who had voluntarily attended to aid in his defence; also his brother Gilbert, who was now settled in the pastoral charge of the second Presbyterian church in Philadelphia, and who had brought Mr. John Kinsey, one of the first counsellors of that city, for the same purpose. Messrs. Tennent and Stevens met these gentlemen at Mr. Coxe's the morning before the trial was to come on. Mr. Coxe requested that they would bring in their witnesses, that they might examine them previously to their going into Court. Mr. Tennent answered, that he did not know of any witnesses but God and his own conscience. Mr. Coxe replied, "If you have no witnesses, sir, the trial must be put off; otherwise you most certainly will be convicted. You know the strong testimony that will be brought against you, and the exertions that are making to accomplish your ruin." Mr. Tennent replied, "I am sensible of all this, yet it never shall be said that I have delayed the trial, or been afraid to meet the justice of my country. I know my own innocence, and that God, whose I am, and whom I serve, will never suffer me to fall by these snares of the devil, or by the wicked machinations of his agents or servants. Therefore, gentlemen, go on to the trial." Messrs. Smith and Kinsey, who were both religious men, told him that his confidence and trust in God as a Christian minister of the gospel, was well founded; and before a heavenly tribunal, would be all-important to him; but assured him it would not avail in an earthly Court, and urged his consent to put off the trial. Mr. Tennent continued inflexible in his refusal; on which Mr. Coxe told him that, since he was determined to go to trial, he had the satisfaction of informing him that they had discovered a flaw in the indictment, which might prove favorable to him on a demurrer. He asked for an explanation, and on finding that it was to admit the fact in a legal point of view, and rest on the law arising from it, Mr. Tennent broke out with great vehemence, saying, that this was another snare of the devil, and before he would consent to it he would suffer death. He assured his counsel that his confidence in God was so strong, and his assurance that he would bring about his deliverance in some way or other, was so great, that he did not wish the trial to delay for a moment.

Mr. Stevens, whose faith was not of this description, and who was bowed down to the ground under the most gloomy

apprehensions of suffering, as his neighbor Mr. Anderson had done, eagerly seized the opportunity of escape that was offered, and was afterwards discharged on the exception.

r. Coxe still urged putting off the trial, charging Mr. Tennent with acting the part rather of a wild enthusiast than of a meek and prudent Christian; but he insisted that they should proceed, and left them in astonishment, not knowing how to act, when the bell summoned them to Court.

Mr. Tennent had not walked far in the street, before he met a man and his wife, who stopped him, and asked if his name was not Tennent. He answered in the affirmative, and begged to know if they had any business with him. The man replied, "You best know." He told his name, and said that he was from a certain place (which he mentioned) in Pennsylvania or Maryland; that Messrs. Rowland, Tennent, Anderson and Stevens had lodged either at his house, or in a house wherein he and his wife had been servants (it is not now certain which) at a particular time, which he named; that, on the following day they had heard Messrs. Tennent and Rowland preach; that some nights before they left home, he and his wife waked out of a sound sleep, and each told the other a dream, which had just occurred, and which proved to be the same in substance, to wit, that he, Mr. Tennent, was at Trenton, in the greatest possible distress, and that it was in their power, and theirs only, to relieve him. Considering it as a remarkable dream only, they again went to sleep, and it was twice repeated precisely in the same manner to both of them. This made so deep an impression on their minds, that they set off, and here they were, and would know of him what they were to do. Mr. Tennent immediately went with them to the Court-house, and his counsel, on examining the man and his wife, and finding their testimony to be full to the purpose, were, as they well might be, in perfect astonishment. Before the trial began, another person, of a low character, called on Mr. Tennent, and told him that he was so harrassed in conscience, for the part he had been acting in this prosecution, that he could get no rest till he had determined to come and make a full confession. He sent this man to his counsel also. Soon after, Mr. Stockton, from Princeton, appeared and added his testimony. In short, they went to trial, and notwithstanding the utmost exertions of the ablest counsel, who had been employed to aid the attorney general against Mr. Tennent, the advocates on his side so tra-

ced every movement of the defendant on the Saturday, Sunday and Monday in question, and satisfied the jury so perfectly on the subject, that they did not hesitate honorably to acquit Mr. Tennent, by their unanimous verdict of *not guilty*, to the great confusion and mortification of his numerous opposers. Mr. Tennent assured the writer of this, that during the whole of this business, his spirits never failed him, and that he contemplated the possibility of his suffering so infamous a punishment as standing in the pillory, without dismay, and had made preparation, and was fully determined to deliver a sermon to the people in that situation, if he should be placed in it.

He went from Trenton to Philadelphia with his brother, and on his return, as he was rising the hill at the entrance of Trenton, without reflecting on what had happened, he accidentally cast his eyes on the pillory, which suddenly so filled him with horror as completely to unman him, and it was with great difficulty that he kept himself from falling from his horse. He reached the tavern door in considerable danger—was obliged to be assisted to dismount, and it was some time before he could so get the better of his fears and confusion as to proceed on his journey. Such is the constitution of the human mind! It will often resist, with unshaken firmness, the severest external pressure and violence; and sometimes it yields without reason, when it has nothing to fear. Or, should we not rather say, such is the support which God sometimes affords to his people in the time of their necessity, and such the manner in which he leaves them to feel their own weakness when that necessity is past, that all the praise may be given where alone it is due.

THE BLASTED TREE.

“ I marked the broad and blasted oak,
Scorched by the lightning's glare,
Hollow its stem from branch to root,
And all its shrivelled arms were bare.”

It was a piercing night in mid-winter, and along the rounded hills, towards the Clifton meadows, below Alesbury the moonlight sparkled on the bright and thickly crusted snow with peculiar splendor. Far off the faint but perpetual roar of the icy river was heard, and the dark forests behind it were dimly seen in the distance like a heavy cloud in the western horizon. The intermediate country presented only

a few solitary trees, and save that here and there a rugged grove of overgrown shrubbery was seen above the bed of snow, one wide and vast uncultivated waste appeared. It was a night in which the fancy of an honest German could not fail to conjure up a thousand phantoms—his shrieking ghost cried from the crevices of pale moonbeams, in the distant and scarcely perceptible mist that spread a thin veil over the beautiful stars and the wandering spirits of his departed friends peeped out like premature resurrections from behind every thicket.

The hour of eleven had drawn nigh, and the watchful family that inhabited the crazy cabin on the borders of this barren country, had extinguished their blazing pan light, buried up their fire, and sprinkled over the smoking ashes the spoonful of salt, the magic virtues of which dispersed the ghostly train, and insured them a peaceful rest, when two travellers passed along the unbroken road that led from the village towards the Fort above the Falls. One bore the appearance of an old man infirm with age—his broad brimmed hat hid his face, but some thin gray locks waved around his shoulders, and he leaned forward on his horse like one suffering with fatigue or decrepitude—behind him was the appendage of a stranger, a large black portmanteau, which an athletic young man, who sometimes acted as a guide to travellers, and sometimes, for he had some science, run out patented land, and was, withal, better acquainted with the country than any other man in all the neighborhood. He led the old man's horse sometimes, and sometimes ran before to break the road.

The cottagers thought they discovered traits of mystery in this, and as every thing that partook of mystery boded mischief according to their conceptions, they followed the midnight travellers across the barrens with their eyes until they disappeared, and then lay several anxious hours dreaming of murder, robbery and blood. More than once they thought they heard the piercing cry of despair mingling with the roar of the waterfall, and more than once discovered symptoms in the dusky room that spoke of death without.

But the woods-man was in the village before sunrise—he reported that he put the stranger across the Ford, and left him to pursue his journey. Suspicion was hushed for a moment; for the character of the young man was good. The traveller was known to have possessed money, and he had been called

down the river on business of such urging importance that it was necessary for him to reach the lower Ford that night, and had with much difficulty prevailed on Hulbert to accompany him to the western road. Who the stranger was, none knew, and thus far all was fair. But, he never reached the Ford, and no trace was heard of him from that night. Suspicion was once more awakened and Hulbert maintained, when he was questioned on the subject, a guarded and scornful silence. The Fortune Tellers were consulted, and they anathematized the woods-man. Signs were attended to, with all the formality of judicial inquiry, and even these condemned the unfortunate young man.

When the spring came it was discovered that a large oak tree celebrated for its age and majesty, did not put forth a leaf. It grew near a bye road which led to a river below the Falls, and as no other cause could be assigned for its blighted appearance, it was attributed to one which met the popular suspicion among the Germans. They called it the blasted tree, and located the stranger's blood was shed beneath the branches. Withered by the hot breath of murder, they declared it would bloom again, whenever the murderer should be brought to justice and his blood sprinkled on the dry roots.

Five years passed away, and old impressions, and vague suspicions grew stronger, as years departed: Hulbert was now surrounded by a young and dependant family, but superstition had fixed an indelible mark on his character, and he was followed by the eye of jealousy; which watched his actions, his countenance and his words, while it shunned his association. The man became restless and unhappy—he felt sensibly the weight of sullied reputation, and though he had disregarded it for years, began to sink under its influence into moroseness and disquietude.

About this time some huntsmen in the pursuit of game which had taken shelter in the blasted tree, cut it down, and lo! from the old trunk fell the whitened bones of a human being: they were examined by an anatomist, and declared to be the perfect parts of the skeleton of a man whom they judged might have been deposited there four or five years before. An opening of the trunk some distance from the ground confirmed the probability of the story:—the Germans and their neighbors soon caught it up eagerly, and the fate of the unfortunate young man seemed fixed. He fled from the storm he saw gathering, but in a month returned and surrendered himself up for trial.

The excitement of the populace ran high, and as the day for his trial drew nigh the hopes of his acquittal vanished.—The mass of the people were sure of his guilt, and they collected the evidences against him with an activity and zeal which savored rather to the spirit of bitter persecution, than of a love of justice. I leave the reader to imagine for himself the feelings of a tender wife and six children, as they looked forward through the gathering to the day that was to fix his destiny, while I hasten to the crowded court room and the solemn arraignment of the husband and father for the crime of murder.

The prisoner stood pale and dejected but silent and resigned at the bar, and answered with a calm and steady voice, "Not Guilty," to the charge. He was asked if he had counsel; he answered in the negative, and requested that assistance might be assigned him. The Judge cast his eyes round the court as if carelessly in search of some one on whom to lay, what as his manner seemed to indicate, he thought, a hopeless task, when an old gentleman whose presence was overlooked amid the throng, rose and introduced himself as Mr. —, an eminent lawyer of the city. The court bowed respectfully, and a look of astonishment was visible on every face, when he asked the privilege of acting as the prisoner's counsel, it was granted, and he resumed his seat.

When the witnesses had been heard on the side of the prosecution, he arose and addressed the court. He recollected the prisoner; he remembered that on the night on which the evidence went to fix the murder, he had employed the prisoner in the capacity of a guide, and was conducted by him over the Ford, that he missed his way and did not reach the lower Ford, to which he had intended to go, but travelled by another direction to the city. In regard to the bones so mysteriously found, he had two evidences to prove, he said, that the very Physician, who pronounced them human, and of five years decay, and who was an enemy of the prisoner, had placed them there himself—that they had for many years decorated a corner of his study—the first was a boy who had assisted in placing them there, and the second was an aperture in the trunk of the tree itself, which at the entrance was not more than five inches in diameter, therefore utterly incapable of admitting a human body. He sat down amid acclamations of astonishment—the proof went on, the prisoner was acquitted without an argument, and the corrupt and revengeful Physi-

cian, just escaped from the village time enough to save his neck.

Frank Leeson was the only son of a country gentleman in Ireland, who possessed a small estate of £300 a year, but who was not remarkable for the proper management of it.— Old Mr Leeson was in consequence, involved in perpetual difficulties, and was upon the eve of being thrown into prison, when he was saved from that disgrace by the affectionate conduct of his son. Frank, to an excellent understanding, joined a very handsome person, which attracted the regards of a young lady, with an independent fortune of £8000. But Frank being attached to another whose beauty and merit were her only recommendation, had hitherto declined to profit by the lady's partiality. When he saw that there was no method of saving an infirm father and mother from poverty and bondage, the force of filial affection got the better of his love; he tore himself away from the woman he adored, and married the lady of fortune. With this money he paid all the old gentleman's debts, and entered the world with a degree of reputation superior to the generality of his acquaintance.

As nothing could separate Frank and his parents, the whole family lived together for some time in the most perfect harmony under the same roof; and the severity of their former situation producing a necessary regulation in their expences, they were every day rising in opulence and felicity; when an unexpected misfortune left them, in the moment of their utmost security, without shelter and without bread. Old Mr. Leeson finding his health very much impaired, and moreover conceiving a disgust from the ingratitude of his former associates, he resolved, with the concurrence of his son, to dispose of his estate, and make an adequate purchase in the neighborhood of Dublin, where he might have an opportunity of consulting the best physicians, and establishing a more agreeable circle of acquaintance. Pursuant to this plan, he sold every acre he possessed, received the money in bills, and was preparing to set off for another part of the kingdom, when an accidental fire reduced his habitation to a heap of ashes, destroyed all his effects, and gave him scarcely a moment for the preservation of his family.

Frank, whose property was also in bills, and packed up ready for the intended departure, lost all in the general calamity, and was obliged, together with his father, his mother, and

his wife, to take refuge at a neighboring gentleman's for a few days, till they were in a capacity for reaching the metropolis, where Frank expected from some letters he obtained to the Lord Lieutenant, to procure a little establishment either in the army, or in the public offices.

On the arrival of the unfortunate family in Dublin, young Leeson applied himself industriously to profit by his recommendations; but though he met with civility, he could obtain no relief; every fresh application gave him nothing but reason to lament the miserable prospect before him; and while he was continually cheering every bosom at home with the speedy expectation of halcyon days, he had nothing but despair in his own. At length destruction became too evident to be concealed. His father, who was now confined to his bed, had been a whole day without sustenance, and young Mrs. Leeson was every hour trembling lest the pains of parturientcy should oblige her to solicit the charitable assistance of the public. Thus situated, torn with a thousand pangs for a wife who possessed his highest esteem, for a father whom he almost worshiped, and for a mother whom he tenderly loved, Frank sallied out one evening into the streets, and stopped a gentleman whose appearance indicated opulence; he demanded his money with such a wildness of accent, that the gentleman was so terrified, as to give him without resistance a purse containing fifty guineas, with which Frank retreated to his lodgings, where he deposited the money with his father, telling him he had received it on the Lord Lieutenant's order, as an earnest only of future services. The family, not doubting the truth of this relation, poured out their unfeigned acknowledgments of the Viceroy's goodness, and once more refreshed themselves with a comfortable repast.

Next morning the robbery became noised abroad, and to the greatest surprise of every body, a merchant of the fairest character and fortune was apprehended for the robbery and lodged in prison. On the earliest knowledge of this circumstance, Frank immediately wrote to the innocent gentleman, desiring him to be under no apprehension, for if he was not honorably acquitted, the person actually guilty, would, on the day of trial, appear in court, acknowledge his crime, and surrender himself to the violated laws of his country. The gentleman naturally read this letter to every body that came to see him; but though such as were his friends talked of it as a most extraordinary affair, the generality of people consider-

ed it as a despicable artifice, to impose on the credulity of the public.

The day of trial at last came; and notwithstanding the merchants's character appeared irreproachable before this unfortunate occurrence; notwithstanding several persons of the highest rank proved him to be a man remarkably nice in his principles, and very opulent, the prosecutor was so positive in his charge, and a number of circumstances so surprisingly concurred to give it weight, that he was actually convicted. It only remained for the Judge to pronounce sentence of death upon him. At this awful moment, a loud noise of "make way! make way!" ran through the court, and young Leeson, with a manly, yet modest countenance, rushing forward, and demanding to be heard, delivered himself to the following effect:

"You see before you, my lord, an unhappy young man, who once little thought of violating the laws of his country, and wished rather to be the friend than the enemy of society; but who knows to what he may be urged in the hour of piercing calamity; to what he may be brought, when destitute of friends, and destitute of bread? I, my lord, was born a gentleman, and bred one. Six months ago I was possessed of an easy fortune, but an accidental fire reduced me in a moment to beggary, and what is still more distressing, reduced also an infirm and aged father, an aged and tender mother, together with the best of women, to the same lamentable situation. Encouraged by some recommendations to the great, we came up to town, and expected a decent means of procuring a subsistence; but, alas! my lord; those who want compassion most, are those who are most commonly disregarded. Instead of assistance, we received compliments, and met with the bows of frigid politeness where we looked for the bounteous hand of relief; so that in a little time our all was exhausted, and my wretched father, and the venerable partner of his youth, were above a day without any sustenance whatever; when unable to see them expiring for want of food, I rushed forward, and committed the robbery for which this gentleman, now a prisoner at the bar, has been convicted.

"This was not the whole of my affliction: a fond deserving wife, who had brought me a plentiful fortune, lay also perishing with hunger, and that too in a situation which demanded the tenderest attention, and the most immediate regard.—Such, my lord, were my motives for the unjustifiable action.

Had the gentleman condemned, been happily acquitted, I should not made this public acknowledgement of my guilt. Heaven only knows what I have suffered during his confinement ! but the Empire of the Universe would not bribe me to injure him farther, nor tempt me, by an infamous sacrifice of his life, to the safety of my own. Here then, my lord, I claim his sentence, and demand his bonds. Providence will, I doubt not, now take care of my innocent family, who are equally ignorant of my crime, and of my self-accusation. For my own part, I am resigned ; and I feel nothing in consequence of my approaching fate, but from what I am sensible they must feel on my account."

Here young Leeson ended, and the whole court was lost in approbation and in tears. He was, however, condemned, and pardoned the same day ; and his character suffered so little on the occasion, that the Lord Lieutenant gave him with his life, a place of £700 sterling a year ; while the merchant, who had been accused from resembling him strongly, dying some time after without heirs, left Frank his whole fortune, as a reward for so exemplary an act of justice and generosity.

The trial of Thomas Hoag, alias Joseph Parker, for the crime of BIGAMY, held in the city of New-York, June 22d, 1804.

Mr. RIKER, Attorney for the prosecution.

W. MORTON, and D. D. TOMPKINS, for the Prisoner.

The Prisoner's first marriage, and of her being alive, as hid in the indictment, was admitted, and the evidence to support the second marriage was as follows :

BENJAMIN COE testified—that he was one of the Judges of the court of Common Pleas, in the county of Rockland—that he well knew the prisoner at the bar, that he came to Rockland in the beginning of Sept. 1800, and there passed by the name of Thomas Hoag—that there was a person with him who passed for his brother ; but between those two persons there was no sort of resemblance—that the prisoner worked for the witness about a month, during which time he eat daily at witness' table, and he of course saw him daily—that on the 25th day of December, 1800, witness married the prisoner to one Catharine Secor—that witness is confident of the time because he recollected that on that very day, one of his own children was christened—that during all the time pris-

ner remained in Rockland county, witness saw him continually; he was therefore as much satisfied that prisoner was Thomas Hoag, as that he himself was Benjamin Coe.

JOHN KNAPP testified—that he knew the prisoner in 1800 and 1801, he was then in Rockland county, and passed by the name of Thomas Hoag, that he saw him constantly for five months during the time the prisoner was at Rockland—that he was at the prisoner's wedding; that Hoag had a scar under his foot; the way witness knew it was, witness and Hoag were leaping together, and the witness out leaping Hoag—upon which Hoag remarked, that he could not leap as well now as he formerly could, before he received a wound in his foot by treading on a drawing-knife—that Hoag then pulled off his shoe and showed witness the scar under his foot, occasioned by that wound; the scar was very perceptible—witness was confident prisoner at the bar was Thomas Hoag.

CATHARINE CONKLIN, [formerly Catharine Secor, but since married to one Conklin,] testified, that she became acquainted with prisoner in the beginning of September, 1800, when he came to Rockland; he then passed by the name of Thomas Hoag—that witness saw him constantly—that prisoner shortly after their acquaintance, paid his addresses to her and finally on the 25th of December married her; that he lived with her till the latter end of March 1801, when he left her; that she did not see him again until two years after—that on the morning of his leaving her, he appeared desirous of communicating something of importance to her, but was dissuaded from it by a person who was with him, and who passed for his brother—that Hoag, until his departure, was a kind, attentive and affectionate husband—that she was as well convinced as she could possibly be of any thing in this world, that the prisoner at the bar was the same person who married her by the name of Thomas Hoag—that she then thought him, and still thinks him the handsomest man she ever saw.

DEFENCE

JOSEPH CHADWICK testified, that he had been acquainted with the prisoner, Joseph Parker, for a number of years; that witness resides in the city, is a rigger by trade—that prisoner worked in the employ of the witness a considerable time as a rigger—that prisoner began to work for witness in September 1799, and continued to work for him until the spring of 1801, that during that period he saw him constantly—that it ap-

peared from the witness' books, that Parker had received money from witness for work, which he had performed on the following days, viz. on the 6th of October, and 6th and 13th of December, 1800; on the 9th, 16th and 28th of February, and 11th of March 1801—that Parker lived from May 1800, till sometime in April 1801, in a house in this city belonging to Capt. Pelor—that during that period, and since, witness had been well acquainted with the prisoner.

ISAAC RYCKMAN testified, that he was an inhabitant of this city; that he was well acquainted with Joseph Parker the prisoner at the bar, and had known him for a number of years, that witness and Parker were jointly engaged in the latter end of the year 1800, in loading a vessel for Capt. Tredwell, of this place—that they began to work on the 20th day of December 1800, and were employed the greater part of the month of January 1801, in the loading of the vessel; that during that time the witness and Parker worked together daily, that witness well recollected that they worked together on the 25th day of December 1800; he remembered it, because he never worked on Christmas day before or since; he knew it was in the year 1800, because he knew that Parker lived in Capt. Pelor's house that year, and he remembered of their borrowing a screw for the purpose of packing cotton into the hold of the vessel they were at work at, from a Mrs. Mitchell, who lived next door to Parker—that witness was one of the city watch, and Parker was also at that time upon the watch; and witness had served with him from that time to the present day upon the watch, and never recollected missing him any time during that period from the city.

ASPINWALL CORNWALL testified, that he lived in Rutger Street, and had lived there a number of years; that he kept a grocery store; that he knew Parker, the prisoner at the bar, in 1800 and 1801; that Parker lived in Capt. Pelor's house; that he lived only one year in Pelor's house; that Parker while he lived there, traded with witness; that witness once recollected of missing Parker for a week, and enquiring, found he had been to Staten Island, at work on board one of the U. S. Frigates; that excepting that time he never knew him to be absent from his family, but saw him constantly.

ELIZABETH MITCHELL testified, that she knew Parker, the prisoner at the bar, well—that in the year 1800 and 1801, Parker lived in a house adjoining to one in which witness liv-

ad—that the house Parker lived in, belonged to Capt. Pelor, that witness was in habits of intimacy with Parker's family, and visited them constantly—that Parker being one of the city watch, she used to hear him rap with his stick at the door to awaken his family, upon his return from the watch in the morning—that she also remembered, perfectly well, Parker's borrowing a screw from her on Christmas day, in 1800, she offered him some spirits to drink, but he preferred a glass of wine, which she got for him; the circumstance of her lending the screw to him, she was the more positive of, from recollecting also that it was broken by Parker in using it—that Parker never lived more than one year in Capt. Pelor's house, and from that time to the present day, witness had been on the same terms of intimacy with Parker's family; she therefore considered it as almost impossible that Parker could have been absent from town, at any time, without her knowing it, and she never knew him to be absent more than one week while he lived at Pelor's house.

JAMES REDDING testified, that he had lived in the city a number of years; that he had known Parker, the prisoner at the bar, from his infancy; that Parker was born at Rye, in Westchester county; that Parker, in the year 1800, lived in Capt. Pelor's house; that witness then saw him continually, and never knew him during that time to be absent from town any length of time; that witness particularly remembered, that while Parker lived in Capt. Pelor's house, witness some time in the beginning of January, 1801, assisted Parker in killing a hog.

LEWIS OSBORN testified, that he had been acquainted with Parker, the prisoner at the bar, for the last four years; that witness had been one of the city watch—that from June 1800, to May 1801, Parker served upon the watch with witness—that at first, Parker served as a substitute in the absence of a regular watchman—that witness remembered that Parker, a few days after Christmas, in 1800, was placed upon the roll of the regular watch, in the place of one Ransom who was taken sick—witness was certain it was in the period above mentioned, because that was the only time witness ever served upon the watch—that during the above period, witness and Parker were stationed together, while on the watch at the same post—witness was certain that Parker, the prisoner at the bar, was the person with whom he had served upon the watch—

and was confident, that during that time, Parker was never absent from the watch, more than a week at any one time.

FOR THE PROSECUTION.

MOSES ANDERSON testified, that he had lived at Haverstraw, Rockland county—that he had lived there since the year 1791—that he knew the prisoner at the bar well—that he came to the house of the witness in the beginning of Sept. 1800—that he then passed by the name of Thomas Hoag—that he worked for witness eight or ten days—that from that time till the 25th of December, prisoner passed almost every Sunday at witness' house; that during prisoner's stay in Rockland County, witness saw him constantly—that if the prisoner was the person alluded to, he had a scar on his forehead, which he told witness was occasioned by the kick of a horse; he had also a small mark on his neck, [those marks the prisoner had,] he had also a *scar under his foot between his heel and the ball of the foot*, occasioned as he told the witness, by treading upon a drawing-knife—that *that scar was easy to be seen*—that his speech was remarkable; his voice being effeminate; that he spoke quick and lisped a little, [those peculiarities were observable in the prisoner's speech;] that prisoner supped at witness' house the night of his marriage, in December, 1800; that witness had not seen prisoner until this day, since prisoner left Rockland, which was between three and four years ago; that witness was perfectly satisfied in his own mind, that prisoner was Thomas Hoag.

LAVINA ANDERSON testified, that she knew the prisoner at the bar—his name was Thomas Hoag; that in September, 1800, he came to witness' house in Rockland County, and worked for her husband eight or ten days—then worked for Judge Suffrein; every Saturday night until the prisoner was married, he and a person who passed for his brother, came to witness' house and staid till Monday morning—that witness washed for him; there was no mark upon his linen; that prisoner, if he is Thomas Hoag, has a scar upon his forehead, he has also one under his foot—was certain of the mark under his foot, because she recollected that the person who passed as his brother having cut himself severely with a scytne and complaining very much of the pain, Thomas Hoag told him, he had been much worse wounded, and then shewed the scar under his foot.

Witness also testified, that about a year ago, after a suit had been brought in the Justice's Court of this city, wherein the identity of the prisoner's person came in question, witness was in town, and having heard a great deal said on the subject, she was determined to see him and judge for herself; that accordingly she went to prisoner's house, but he was not at home; she then went to the place where she was informed he stood with his cart, that she there saw him lying on his cart with his head on his hand, that in that situation she instantly knew him; that she spoke to him, and when he answered her she immediately recognized his voice; that it was very singular, shrill, thick, hurried, and something of a lisp, that Hoag, had also a habit of shrugging up his shoulders when he spoke, this she also observed in the prisoner, that prisoner said he had been told she was coming to see him, and it was surprising that people could be so deceived, and asked witness if she thought he was the man, witness replied she thought he was, but would be more certain if she looked at his forehead—she accordingly lifted up his hat and saw the scar upon his forehead, which she had often before seen; that prisoner then told her it was occasioned by the kick of a horse, witness added it was impossible that she could be mistaken;—prisoner was Thomas Hoag.

MARGARET SECOR testified, that about four years ago she lived at Rockland with her father Moses Anderson, that prisoner at the bar, Thomas Hoag, came to their house in September, 1800; that he remained at Rockland five or six months, that he had a scar on his forehead, that Hoag used to come every Saturday night to her father's to pass Sunday with them, that she used to comb and tie his hair every Sunday, and thus saw the scar; that witness married about two years ago, and came immediately to live in this city; that after she had been in town a fortnight she was one day standing at her door, and she heard a cartman speaking to his horse; that she immediately recognized the voice to be that of Thomas Hoag, and upon looking at him saw the prisoner at the bar and instantly knew him; that as he passed her he smiled and said, how d'ye do cousin, that the next day he came to her house and asked her how she knew he was the man—witness replied she could tell better if he would let her look at his head; that accordingly she looked and saw a scar upon his forehead, which she had often remarked upon the head of Hoag; witness admitted she had mentioned

her suspicions to her husband, and that her husband had told the prisoner of it and had brought him to the house; witness added she was confident prisoner was the person who passed at Rockland as Thomas Hoag.

NICHOLAS W. CONKLIN testified, that he lived in Rockland County, that he knew the prisoner at the bar, that his name was Thomas Hoag; that he could not be mistaken in the person; that Hoag had worked a considerable time for him; that during that time he had eaten at witness' table; that Hoag being a stranger, and witness understanding he was paying his addresses to Catharine Secor, witness took a good deal of notice of him—thought him a clever fellow—saw a great deal of him—lived in a house belonging to witness; when witness saw prisoner at this place he knew him instantly, his gait, his smile, (which is a very peculiar one,) his very look was that of Thomas Hoag—witness endeavored, but in vain to find some difference in appearance between prisoner and Hoag; he was satisfied in his mind that he is the same person—Hoag he thought was about 28 or 30 years of age; he thought Hoag had a small scar on his neck.

SAMUEL SMITH was called merely as to the character of one of the witnesses on the part of the prosecution, a Mr. Knapp, and testified that he bore an unexceptionable character.

ABRAHAM WENDELL testified, that he knew one Thomas Hoag in the latter end of the year 1800; he was then at Haverstraw, that he had been very intimate with him, and knew him as well as he knew any man; that he had worked with him, that he had breakfasted, dined and supped with him, and many a time had been at frolicks with him, and that the prisoner at the bar was the same man; that he had no doubt whatever about it; that about a year ago witness being in this city, was told by some persons, that Hoag had beat the Haverstraw folks in an action wherein his identity had come in question; that witness told them he could know him with certainty; that they said they would send him down to him that day; that witness was aboard his sloop—saw prisoner at the distance of a hundred yards, coming down the street, and instantly knew him—prisoner came up to him and said immediately, Mr. Wendell I am told you say you will know me; witness replied so I do; you are Thom-

as Hoag; that witness was as confident prisoner is the person, as he was of his own existence.

There were a number of other witnesses both for and against the prisoner; and all were positive in their testimony, as to the identity of the prisoner, that he was Thomas Hoag, and that he was Joseph Parker.

It was agreed between the Att'y General, and the counsel for the prisoner, that the prisoner should exhibit his feet to the jury, in order that they might see whether there was the scar which had been spoken of in such positive terms by several of the witnesses on the part of the prosecution.

Upon exhibiting his feet not the least mark or scar could be seen upon either of them. The jury without retiring from the bar, found a verdict of *not guilty*.

The trial of CHARLES BALL, for the murder of his father, DANIEL BALL, of Bridport, on the 23d of June, A. D. 1824, before the Hon. Supreme Court, holden at Middlebury, Vermont, in January A. D. 1825.

ENOCH D. WOODBRIDGE and ZEBULON R. SHIPERD, Esqr's. for the prosecution.

PETER STARR and ROBERT B. BATES, Esqr's. for the prisoner.

Before I proceed to the evidence, I will state a few facts: The prisoner had been a soldier in the late war, during which time he had not added very extensively to his stock of *moral*s or *honesty*; after he left the army he returned to his father's with little or no inclination to labor; he was in the year 1821 apprehended for stealing some clothes and a number of traps; and to the indictment he plead *guilty* as to the traps, and *not guilty* as to the clothes. He was sentenced to the state's prison for two years. In July, 1823, his term of confinement expired, and he returned to his father's again. The old gentleman and the prisoner, it appeared, were both given to intoxication, and of course not wealthy; and the prisoner seemed determined to have his living in the family without doing much for his support. The old gentleman had frequently remonstrated with the prisoner, and told him to leave the house and provide for himself; and the prisoner refusing, a quarrel ensued, which ended in the death of the old gentleman. On the part of the prosecution,

WILLIAM L. BALL, a brother of the prisoner, (a boy about

15 years old,) was called, and testified that one evening about candle lighting, last summer, I was returning home from a raising, in company with my father, Daniel Ball, and Mr. Jackamiah Johnson—that, as we got almost home, I hurried on, and went into the house, and Charles was there, and I said, “Charles, let’s go to bed,” and Charles said, “by God, if you open your head I will send you to hell in two minutes.” He rose up when he said this. He had a knife in his hand that he was eating with, and shook his fist at me. He then turned round and sat down and went to eating again, and then said “God damn you, if you, or your father come into this house to night, I will kill you both.” I run out doors and father was just coming in at the bars. I told him what Charles said, and he called Mr. Johnson (Jackamiah) several times, before Mr. Johnson seemed to mind much about it ; he then looked around, and father told him he must come back. Father then told me to go and tell Mr. Jonathan Johnson to come up, and to make haste right back. I went about three paces and Jackamiah Johnson spoke to father and said, “Capt. Ball, *don’t you go in, don’t you go in*, and I will go in, and I think I can pacify Charles.” I went over to Capt. Johnson’s, and when I came back, Jackamiah said, “he guessed Charles had done the work for the old man.” Charles then came out of the house, and said, “by God, I will serve you the same.” He then spoke to Jackamiah Johnson, when he said this, and I thought it was in reply to what Jackamiah had said to him. Charles then went out, and as he got on the bars to get over, the bar fell out of the bar-post, and he fell down on the ground. Capt. Jonathan Johnson had then got up near, and when Charles got up he turned to go towards Capt. Johnson, and Capt. Johnson picked up a club and told Charles, “if you come near me I will knock you down.” Charles then turned and went up the road. I went into the house with the two Mr. Johnsons and found father on the floor. We took him up and put some cold water in his face, and tried to bring him to, and got him on to the bed. I then went after a Doctor, and had not got but a little ways, before I met a man who had a lancet, and he went in and bled him, and the blood spirted out once and then the blood stopped, and he did not bleed any more. The body was on the bed at this time.

Question, by one of the Jury. Did you see no appearance of life when you came back from going after the Doctor ?

Answer. No, Sir.

CROSS EXAMINED.

Question, by the Counsel for the Prisoner. Have you ever thought that Charles was crazy?

Answer. I have thought he was, especially when he had been drinking.

Question, by same. Have you not thought he acted very strangely, when he had not been drinking?

Answer. Yes, Sir. I have known him sometimes when I spoke to him and said, "Charles—Charles—Charles," he would not say any thing, and after awhile he would look round and say, "didn't you speak to me?"

Ques. Have you not seen him angry without a cause?

Ans. Yes, Sir. He would be angry with somebody that I didn't know any thing about, and would get up and shake his fist.

Question, by one of the Jury. Had Charles got over being drunk when you got home? *Ans.* Yes Sir.

Ques. by the Prisoner's Counsel. Was he not unusually drunk in the afternoon? *Ans.* Yes Sir.

Question, by same. Was he not a drinking man?

Ans. Yes Sir. He would drink when he could get it.

Ques. Can you tell any particular case when he acted like a crazy man, and when he had not been drinking?

Ans. No Sir.

Ques. by Attorney for Gov't. Did you ever hear Charles threaten to kill his father if he would not give him half his pension?

Answer. No Sir, I do not recollect as I ever did.

JACKAMIAH JOHNSON was then called and testified as follows:—On the 23d of June last, I was at a raising, and Capt. Ball (the deceased) and I came home together, and as we got along against Capt. Ball's house he turned up towards his house, and I kept directly on towards home, and got along ten or twelve rods and perhaps more, when Capt. Ball called me. I stepped a step or two and he called again, and said I must come back. I went back and when I got to the bars I met the boy, (Wm. L. Ball) and he said that Charles (the prisoner) had come home and was in the house, and swore that he would kill him and his father if they entered the house that night. I advised Capt. Ball to send for my brother—and the old gentleman said, "yes, run, William, quick." I then spoke to the old gentleman and told him to stay out doors, and I would go in and that I thought I could reconcile Charles.

I went in, and spoke to Charles, and said " Charles, you a'nt mad nor nothing, are you " and he said, no. Immediately the old gentleman came in, and ordered Charles out of the house, and said "go away Charles, or be gone Charles, I wont have you here." At this time Charles sat at the table, wheeled round and got up, and they both clenched and struggled a minute, and then Charles let go with one hand and struck him under, with one hand, while he had hold of him with the other, and as Charles struck him under the breast bone, the old gentleman curled his head round and came down upon the floor, and Charles then stepped over him, and struck him on one side, and then the other, just where he could hit him. I took hold of Charles and pulled him up, and he come at me and struck me. I told Charles I guessed he had killed the old man, and he said "Damn you, I will serve you just so," and came after me. I went towards the door, and walked till I got out of the house, and when I got out I took a pretty quick step and went into the road. Charles came out and came to the bars, and as he got on to the bars the bars feel out of the bar-post, and he fell upon the ground. My brother came up, as Charles got up off the ground, and Charles said to my brother, "damn you, I will serve you the same," and my brother turned back and picked up some kind of weapon and came up towards Charles and told him to keep off or he would knock him down, and Charles then turned and went up the street. My brother and I hurried into the house and found the old man lay on the floor in the same position that he was when I left him. We took him up and laid him on the bed, and there happened to be a young man there who had a lancet, and he attempted to bleed him. The blood gave one spirt, and then stopped.

Ques. by Att'y. for Gov't. Did you see any life or appearance of any, in the old man, when you took him up from the floor?

Ans. I did not.

Ques. Did Charles appear to be drunk when you went into the house?

Ans. He did not. We had been to the raising, and had drank.

Ques. How old was the old man? *Ans.* Sixty nine.

Ques. Did you ever hear Charles threaten to kill his father?

Ans. I did, five or six years ago. He came to my house to chop some wood, and he threatened to kill his father if he would not give him a part of his pension.

Ques. Did you ever hear him threaten to burn the city of Schenectady, or any other place?

Ans. I did hear him threaten to burn some place away off somewhere, but cannot recollect what place.

CROSS EXAMINED.

Ques. by Prisoner's Counsel. Did you ever hear him threaten his father?

Ans. He said his father always abused him.

Ques. Did you ever see Charles act strangely?

Ans. When he got mad with any body he would most commonly threaten them afterwards.

Ques. Did you consider him a quarrelsome man?

Ans. No, I did not. I never saw him pick a quarrel with any body.

Ques. Did you ever see him act angry when you did not know the cause?

Ans. I have, about his land, which he said government had cheated him out of.

Ques. Did you consider him a man of common sense?

Ans. I rather think he is.

Ques. by Att'y. for Gov't. How long have you known the prisoner at the bar?

Ans. Ever since he came home from the State's prison, and never before.

Ques. Has he not always been competent for business?

Ans. Yes, Sir.

Ques. Has he not a very uncommon temper, and is it not of an inflammatory and inordinate kind?

Ans. Yes, Sir.

Question, by Prisoner's Counsel. Have you not known him to have turns when he would not work at all?

Ans. His father told me that he had, and when he had got a place for him to work he would get mad and go off.

DEFENCE.

DAVID JOHNSON testified as follows:—I got acquainted with the prisoner the next season after he came out of the army. I worked with him considerable, and he appeared rational until after he came out of the State's prison, when he would sometimes be roving in his mind, and said the United States had wronged him and he would kill them all—and at times he spoke of an officer in the army who had clandestinely led him on an expedition, &c. and when he talked

about these subjects he would get into a passion, and there was no way for me to get him off the subject and make him calm, only to begin some story. He said they owed him \$500 for his services in the army, and \$300 for being in the walls of the State's prison, and the keeper ought to pay him. Sometimes he would begin about his father's having a pension, and said he ought to have it himself, and I could not persuade him but that his father was drawing his (Charles) money. Sometimes he said he would kill *Uncle Sam*—that he would kill all Congress, &c. but that he would have his pay.

Question, by Prisoner's Counsel. Did the prisoner sometimes appear strangely and wild?

Ans. Yes, he did, and sometimes I could get nothing out of him.

Ques. Have you seen him in that way when he had not been drinking?

Ans. I have seen him so when he had been drinking, and I have as often seen him so when he had not been drinking.

Ques. Did he use to rest quietly nights while you worked with him?

Ans. Yes Sir.

Ques. Was his conduct generally such as to induce you to believe that he was not in his right mind?

Ans. It was. His father came to me and said he was a crazy man, and he did not know what to do with him.

CROSS EXAMINED.

Ques. by Att'y. for Gov't. Was not this appearance of craziness when he had been drinking?

Ans. No Sir. Sometimes it was, and sometimes it was not. He was at work for me the bigger part of the forenoon of the day he killed his father. He appeared crazy, and I asked him what was the matter, and he said two Captains were fighting within him—Capt. Pero and Capt. Thundelathump, and he could not work. I laughed at him and told him I did not believe there was any body there, and he asked if I thought he was a *damn'd fool*, and requested me to feel of him, and I felt of him to satisfy him. He asked me if I thought there was any body there, and as I perceived he was getting angry and in a passion, told him I thought I did feel them, and he appeared to be pacified, and got off the notion, and went to work.

Ques. by 'he Court. Did he continue at your house till the raising?

Ans. He did, and my son went with him.

Ques. by same. Did you live on the road between the place of raising and where the deceased lived ?

Ans. I do ; and in the evening after he had killed his father, he came in, and a Mr. Parsons asked him who was dead, and Charles said, nobody. He appeared to be in a great rage when this question was asked by Parsons, and slapped his hands and went towards the door, and I spoke to him and said "stop Charley, you are not going home." He answered "No," and said he was not going back, but believed he would go up and stay with Capt. Skiff.

Ques. by Att'y for Gov't Had you heard that there had been any affray at the time you first saw Charles that evening when Mr. Parsons asked him who was dead ?

Ans. No. I supposed that Parsons asked the question for a joke, to see what Charles would say.

Ques. Should you have tho't he was crazy that night, had you not afterwards heard of this affray ?

Ans. Yes, I should. He was always crazy after drinking.

RUTH BALL, the mother of the prisoner, widow of the deceased, was called and testified as follows: Charles came home first and sat down and eat his supper—I hurried to get his supper, and wanted to get him off to bed before the old man got home, and Charles had nearly done his supper, when Daniel Ball came in and told him to go out and leave the house, and as Charles was rising from his chair, Daniel Ball pulled the chair out from under him, and he fell to striking him, and struck him a number of times and gave him no chance to get out, and after he had struck him several times over the head, Charles said "this was too much for him to bear" and I thought he was truly in a dangerous situation, but I did not see him strike his father. The deceased inquired if Johnson had gone home, and as he was turning about to go and see where Johnson was, he blundered over the chair and fell down on the chair, and I went and raised him up and took off his hat off of his head and asked him "for God's sake can't you speak ? and he said "No." I then laid him down again, and they (the two Johnson's) came in immediately and took him up, (There was nobody but myself in the house when I raised him up.) They put some cold water in his face and thought he was'n't alive, and laid him on the bed and he was dead, and had a jury.

Ques. by Prisoner's Counsel. What situation was Charles Ball in when Daniel Ball came in ?

Ans. He was eating his supper.

Ques. Was the old man in the habit of intoxication?

Ans. He was, and I thought he was intoxicated when he fell, and that that was the reason he fell. He had been in the habit of drinking a great number of years, and always got intoxicated when he went where he could get any thing to drink. He had been sick and confined to his bed a week or more, and this was the first of his going out. He had not been across the door-yard before for a fortnight. He was frequently put to it for breath, and had been for a great many years, and had to be raised up in the bed—he would frequently wake me up in the night, and I would raise him up so he could breathe.

Ques. What had you observed that was strange in the conduct of Charles?

Ans. The first that occasioned his derangement was—he, and his father were making potash, and it pestered them, and the old man, Charles' father, told Charles to turn in a pailful of cold water into the kettle of melted potash—and it flew all over Charles, and he never knew any thing for several months, and has never been rational since.—It burnt him and the old man too, and put out one of his father's eyes at that time, and Charles has ever proceeded in a crazy manner since, and has always been talking to himself.

CROSS EXAMINED.

Ques. by Atty. for Gov't. Pray Madam, where did you live at that time, when this affair of the potash happened?

Ans. We lived in the town of Jay, County of Essex, State of New-York, near Pleasant Valley. He was confined, the deceased was, to his bed the chief of the time for a number of months, was badly burnt and bruised, and did not do a day's work for more than a year. I found some of the pieces of the bucket that Charles had in his hands and turned the water out of, more than forty rods off.

Ques. Did Daniel Ball strike the prisoner?

Ans. He did. The old man went to the door to call Jackamiah Johnson after he had struck the prisoner several times, and the prisoner behaved very civil.

Ques. How old is the prisoner?

Ans. In his 35th year.

Ques. Then you believe the deceased came to his death by the fall do you?

Ans. I do believe he came to his death by his fall.

Ques. Was there any body in the house when the old man first struck Charles ?

Ans. Jackamiah Johnson was in when the old man first struck him, and went out.

Ques. Did Charles strike Jackamiah Johnson ?

Ans. I did not see him ; it was rather dark, and there was but a little light in the room.

Ques. Had Charles used any harsh words ?

Ans. I did not hear any.

Ques. You did not hear him threaten the boy did you ?

Ans. I heard something said—but I supposed it was a *drunken lie*, and did not pay much attention to it.

Ques. Did you hear Johnson say any thing to Charles ?

Ans. Johnson come in and said, "Charles, we are pretty good friends," and Charles said yes.

Ques. Then you can swear that Charles did not tell Johnson he would kill him ?

Ans. Yes, I *swear* he did not tell Johnson he would kill him.

Ques. You never heard him threaten his father did you ?

Ans. No, I never heard him use a rash word to me or his father.

Ques. He always behaved civilly did he ?

Ans. He did.

Ques. Have you told the story of the death of your husband to any one before now ?

Ans. I think I have.

Ques. Well, you told the truth did you ?

Ans. I did. I always mean to tell the truth.

To rebut the testimony of the mother of the prisoner, it was proved that she had told the story very different at other times ; at one time she had said that "Charles came home first, and soon after the boy came in and began to plague Charles about being grogy, and Charles told him if he did'nt go out he would knock his head off." She had also said that "the old man got in and began to strike Charles, and that Charles struck the old man twice and he fell, and that Charles then fell on the old man and began to mall, or pull him about;" and that "Charles struck the old man two blows and she thought he did not any more, but did not know but he did, for she was so frightened she did not know how much he did strike him," and that "the old gentleman fell, and never breathed after he fell."

It was proved that on the left eye of the deceased there was a wound which appeared to have been made with the knuckle—another on his nose, and one under the right ear, and a number on the body, which caused death—and that the prisoner was asked the next day after the event happened, “if he did not regret having done as he had?” His answer was, “No! I would not give a shilling, nor turn over a straw to have it otherwise.” He said, “as for going into the walls of the state’s prison, I do not care, but as for being hung up for a spectacle for the people to look at, I will make my bed in hell first! I will put a knife to my heart first.”

A host of witnesses was produced to prove the prisoner to have been insane. It appeared that the prisoner would frequently say that government owed him land as a bounty, and other services to a large amount.—Some times he would claim pay for his services while in the state’s prison, and some times, while alone, he would begin to threaten, swear, shake his fists, and say, “’tant right, ’tant right, by God ’tant right. I will have my pay.” It appeared that he would drink when he could get spirits, and his drinking would occasion him to act strangely. A number of witnesses were very confident that the prisoner was insane at the time the unhappy affair took place.

The Jury, after being out about three hours, returned into Court with a verdict *not guilty of murder, but guilty of manslaughter*, and he was sentenced to the state’s prison during life.

RISE OF CURRAN.

When Curran was called to the bar, he was without friends, without connexions, without fortune, conscious of talents far above the mob by which he was elbowed, and endued with a sensibility which rendered him painfully alive to the mortifications he was fated to experience. After toiling for a very inadequate recompense at the sessions of Cork, and wearing, as he said himself, his teeth almost to their stumps, he proceeded to the metropolis, taking for his wife and young children, a miserable lodging on Hog hill. Term after term, without either profit or professional reputation, he paced the hall of the Four Courts. Yet even thus he was not altogether undistinguished. If his pocket was not heavy, his heart was light: he was young and ardent, buoyed up, not less by the consciousness of what he felt within, than by encouraging

comparison with those who were successful around him; and he took his station among the crowd of idlers, whom he amused with his wit, or amazed by his eloquence. Many even who had emerged from that crowd, did not disdain occasionally to glean from his conversation the rich and varied treasures which he did not fail to squander with the most un-sparing prodigality; and some there were who observed the brightness of the infant luminary struggling through the obscurity that clouded its commencement. Amongst those who had the discrimination to appreciate, and the heart to feel for him, luckily for Curran, was Mr. Arthur Wolfe, afterwards the unfortunate but respected Lord Kilwarden. The first fee of any consequence which he received, was through his recommendation; and his recital of the incident cannot be without its interest to the young professional aspirant, whom a temporary neglect may have sunk into dejection. "I then lived," said he, "upon Hog-hill; my wife and children were the chief furniture of my apartments; and as to my rent, it stood pretty much the same chance of liquidation with the national debt. Mrs. Curran, however, was a barrister's lady, and what was wanted in wealth, she was well determined should be supplied by dignity. The landlady, on the other hand, had no idea of any gradation except that of pounds, shillings, and pence. I walked out one morning to avoid the perpetual altercations on the subject, with my mind, you may imagine, in no very enviable temperament. I fell into the gloom to which from my infancy I had been occasionally subject. I had a family for whom I had no dinner, and a landlady for whom I had no rent. I had gone abroad in despondence; I returned home almost in desperation. When I opened the door of my study, where *Lavater* alone could have found a library, the first object which presented itself was an immense folio of a brief, twenty golden guineas wrapped up beside it, and the name of *Old Bob Lyons*, marked upon the back of it. I paid my landlady; bought a good dinner; gave Bob Lyons a share of it; and that dinner was the date of my prosperity!" Such was his own exact account of his professional advancement.

ROBERT EMMET.

In all the principal trials for high treason that took place in Ireland during the professional life of Mr. Curran, he was generally engaged for the prisoners, and was always success-

ful, where success was attainable by talents or by circumstances. In the defence of the deluded insurgents of 1803, when the respected Lord Kilwarden was assassinated, he exerted the utmost powers of skill and eloquence; but the facts were too strong to be overturned by either talents or ingenuity. Though never deficient in ardor for the cause of his client, it is probable, that in this cause Mr. Curran felt a more than usual interest. Mr. Robert Emmet, the projector of the insurrection, had been bred to the bar, and was a friend of Mr. Curran's family. He had formed an attachment to his youngest daughter, unknown to her father; nor was he aware of it until some letters found on Emmet, led to a search of Mr. Curran's house, where some of Emmet's letters were found. This gave Mr. Curran the first intimation of the melancholy attachment, in which one of his children had been involved.

Mr. Emmet conducted himself during the trial with the utmost firmness, denying no other part of the crime with which he was charged, than that of being an emissary of France, which he repelled with much feeling. When he was called upon to say, why sentence of death should not be passed upon him, he addressed the Court and Jury in nearly the following terms:

"I am asked," said he, "if I have any thing to say, why sentence of death should not be pronounced upon me? Was I to suffer only death after being adjudged guilty, I should bow in silence; but a man in my situation, has not only to combat with the difficulties of prejudice; the sentence of the law, which delivers over his body to the executioner, consigns his character to obloquy. The man dies, but his memory lives; and that mine may not forfeit all claim to the respect of my countrymen, I use this occasion to vindicate myself from some of the charges advanced against me. I am charged with being an emissary of France: 'tis false! I am no emissary. I did not wish to deliver up my country to a foreign power, and least of all to France. No! never did I entertain the idea of establishing French power in Ireland. God forbid! Small would be our claims to patriotism and to sense, and palpable our affectation of the love of liberty, if we were to encourage the profanation of our shores by a people who are slaves themselves, and the unprincipled and abandoned instruments of imposing slavery on others. How could we assume such an exalted motive, and meditate the

introduction of a power which has been the enemy of freedom in every part of the globe? Reviewing the conduct of France to other countries, could we expect better towards us? No! Let not then any man attain my memory, by believing that I could have hoped freedom through the aid of France, and betrayed the sacred cause of liberty, by committing it to the power of her most determined foe. Had I done so, I had not deserved to live; and dying with such a weight upon my character, I had merited the honest execration of the country that gave me birth. Had I been in Switzerland, I would have fought against the French in the dignity of freedom; I would have expired on the threshold of that country, and they should have entered it only by passing over my lifeless corpse. Is it then to be supposed, that I would be slow to make the same sacrifice to my native land? Am I then to be loaded with the foul and grievous calumny of being an emissary of France? My lords, it may be part of the system of angry justice to bow a man's mind by humiliation, to meet the ignominy of the scaffold, but worse to me than the scaffold's shame, or the scaffold's terrors, would be the imputation of having been the agent of French despotism: and while I have breath, I will call upon my countrymen, not to believe me guilty of so foul a crime against their liberties and their happiness. Though you, my lord, sit there a judge, and I stand here a culprit, yet you are but a man, and I am another; I have a right, therefore, to vindicate my character and motives, from the aspersions of calumny; and as a man, to whom fame is dearer than life, I will make the last use of that life, in rescuing my name and memory from the afflicting imputation of having been an emissary of France. Did I live to see a French army approach this country, I would meet it on the shore with a torch in one hand, and a sword in the other. I would receive them with all the destruction of war! I would animate my countrymen to immolate them in their very boats; and before our native soil should be polluted by a foreign foe, if they succeeded in landing, I would burn every blade of grass before them, raze every house, contend to the last for every inch of ground, and the last spot on which the hope of freedom should desert me, that spot would I make my grave!" After some further observations, he thus pathetically concluded:—"My lamp of life is nearly expired; my race is finished; the grave opens to receive me, and I sink into its bosom. ALL I

request, then, at parting from the world, is the charity of its silence. Let no man write my epitaph, for as no man who knows my motives dare vindicate them, let not prejudice or ignorance asperse them; let them and me repose in obscurity and peace, and my tomb remain undescribed, till other times and other men can do justice to my character."

PATRICK HENRY.

The versatility of talent for which Patrick Henry, the American orator and patriot, was distinguished, was happily illustrated in a trial which took place soon after the war of independence. During the distress of the republican army, consequent on the invasion of Cornwallis and Phillips in 1781, Mr. Venable, an Army Commissary, took two steers for the use of the troops from Mr. Hook, a Scotchman, and a man of wealth, who was suspected of being unfriendly to the American cause. The act had not been strictly legal; and on the establishment of peace, Hook, under the advice of Cowan, a gentleman of some distinction in the law, thought proper to bring an action of trespass against Mr. Venable, in the district court of New London. Mr. Henry appeared for the defendant, and is said to have conducted himself in a manner much to the enjoyment of his hearers, the unfortunate Hook always excepted. After Mr. Henry became animated in the cause, he appeared to have complete control over the passions of his audience: at one time he excited their indignation against Hook; vengeance was visible in every countenance; again, when he chose to relax and ridicule him, the whole audience was in a roar of laughter. He painted the distress of the American army, exposed almost naked to the rigor of a winter's sky; and marking the frozen ground over which they marched, with the blood of their unshod feet, "Where was the man," said he, "who had an American heart in his bosom, who would not have thrown open his fields, his barns, his cellars, the doors of his house, the portals of his breast, to have received with open arms the meanest soldier in that little band of famished patriots? Where is the man? There he stands; but whether the heart of an American beats in his bosom, you, gentlemen, are to judge." He then carried the jury, by the power of his imagination, to the plains around York, the surrender of which had followed shortly after the act complained of. He depicted the surrender in the most glowing and noble colors

of his eloquence; the audience saw before their eyes the humiliation and dejection of the British, as they marched out of their trenches; they saw the triumph which lighted up every patriotic face; they heard the shouts of victory, the cry of Washington and liberty, as it rung and echoed through the American ranks, and was reverberated from the hills and shores of the neighboring river; "but hark!" continued Henry, "what notes of discord are these which disturb the general joy, and silence the acclamations of victory? They are the notes of John Hook, hoarsely bawling through the American camp, "beef! beef! beef!"

The court was convulsed with laughter; when Hook turning to the clerk, said, "Never mind, you mon; wait till Billy Cowan gets up and he'll show him the la." But Mr. Cowan was so completely overwhelmed by the torrent which bore upon his client, that when he rose to reply to Mr. Henry, he was scarcely able to make an intelligible or audible remark. The cause was decided almost by acclamation. The jury retired for form sake, and instantly returned with a verdict for the defendant.

A striking example of the witchery of Henry's eloquence, even on common subjects, is related by the late Major Joseph Scott.

This gentleman had been summoned, at great inconvenience to his private affairs, to attend, as a witness, a distant court, in which Mr. Henry practised. The cause which had carried him thither having been disposed of, he was setting out in great haste to return, when the sheriff summoned him to serve on a jury. This cause was represented as a complicated and important one; so important, as to have enlisted in it all the most eminent members of the bar. He was therefore alarmed at the prospect of a long detention, and made an unavailing effort with the court, to get himself discharged from the jury. He was compelled to take his seat. When his patience had been nearly exhausted by the previous speakers, Mr. Henry rose to conclude the cause; and having much matter to answer, the major stated that he considered himself a prisoner for the evening, if not for the night. But, to his surprise, Mr. Henry appeared to have consumed not more than fifteen minutes in the reply: and he would scarcely believe his own watch, or those of the other jurymen, when they informed him that Mr. Henry had, in reality, been speaking upwards of two hours. So powerful was

the charm by which he would bind the senses of his hearers, and make even the most impatient unconscious of the lapse of time.

BREACH OF PROMISE OF MARRIAGE.

The case of Blake against Wilkins, tried at the Galway Spring Assizes for 1817. merits recollection, as perhaps one of the best calculated, on record, to cover with deserved ridicule the abuse of a species of action which ought to be very seldom brought, and very sparingly encouraged. The plaintiff was a lieutenant in the navy, not above thirty years of age; the defendant was at least sixty-five, and was the well-jointed widow of the staff physician in whose arms General Wolfe expired at the siege of Quebec. The plaintiff's case having been gone through, Mr. Phillips addressed the jury on the part of Mrs. Wilkins, in a speech of great felicity, both for its eloquence and wit.

"It has been left to me," said Mr. Phillips, "to defend my unfortunate old client from the double battery of love and of law, which, at the age of sixty-five, has so unexpectedly opened on her. Oh, gentlemen! how vain-glorious is the boast of beauty! How misapprehended have been the charms of youth, if years and wrinkles can thus despoil their conquests, and depopulate the navy of its prowess, and beguile the bar of its eloquence! How mistaken were all the amatory poets, from Anacreon downwards, who preferred the bloom of the rose and the thrill of the nightingale, to the saffron hide and dulcet treble of sixty-five!

"Almighty love eclipsed the glories of ambition. Trafalgar and St. Vincent fluted from the defendant's memory; he gave up all for woman, as Mark Antony did before him; and like Cupid in Hudibras, he

————— took his stand
Upon a widow's jointure land—
His tender sigh and trickling tear,
Long'd for five hundred pounds a year;
And languishing desires were fond
Of statute, mortgage, bill and bond!"

Oh, gentlemen! only imagine him on the lakes of North America—alike to him the varieties of season, or the vicissitudes of warfare. One sovereign image monopolizes his sensibilities. Does the storm rage? The Widow Wilkins out-sighs the whirlwind. Is the ocean calm? Its mirror shows him the lovely Widow Wilkins. Is the battle won? He

thins his laurel, that the Widow Wilkins may interweave her myrtles. Does the broadside thunder? He invokes the Widow Wilkins.

' A sweet little Cherub she sits up aloft,
To keep watch for the life of poor Peter !'

Alas, how much is he to be pitied ! How amply he should be recompensed ! Who but must mourn his sublime, disinterested, sweet-souled patriotism ! Who but must sympathize with his pure, ardent, generous affection !

" Like the maniac in the farce," continued the orator, " he fell in love with the picture of his grandmother. Like a prince of the blood, he was willing to woo and to be wedded *by proxy*. For the gratification of his avarice, he was contented to embrace old age, disease, infirmity, and widowhood ; to bind his useful passions to the carcass for which the grave was opening ; to feed by anticipation on the uncold corpse, and cheat the worm of its reversionary corruption. Educated in a profession proverbially generous, he offered to barter every joy for money ! Born in a country ardent to a fault, he advertised his happiness to the highest bidder ! and he now solicits an honorable jury to become the panders to this heartless cupidity ! Thus beset, harassed, conspired against, their miserable victim entered into the contract you have heard ; a contract conceived in meanness, extorted by fraud, and sought to be enforced by the most prodigate conspiracy.

" Is this the example which, as parents, you would sanction ? Is this the principle you would adopt yourselves ? Have you never witnessed the misery of an unmatched marriage ? Have you never worshipped the bliss by which it has been hallowed, when its torch kindled at affection's altar, gives the noon of life its warmth and its lustre, and blesses its evening with a more chastened, but not less lovely illumination ? Are you prepared to say, that this rite of heaven, revered by each country, cherished by each sex ; the solemnity of every church, and the SACRAMENT of One, shall be profaned into the ceremonial of a soul-degrading avarice ?

" In the case before you, is there the slightest ground for supposing any affection ? Do you believe that, if any accident bereft the defendant of her fortune, the prosecutor would be likely to retain his constancy ? Do you believe that the marriage thus sought to be enforced, was one likely to promote morality and virtue ? Do you believe that those deli-

scious fruits by which the struggles of social life are sweetened, and the anxieties of parental care alleviated, were ever once anticipated? Do you think that such an union could exhibit those reciprocities of love and endearments, by which this tender rite should be consecrated and recommended? Do you not rather believe that it originated in avarice; that it was promoted by conspiracy; and that it would perhaps have lingered through some months of crime, and then terminated in an heartless and disgusting abandonment?

“Gentlemen, these are the questions which you will discuss in your jury-room. I am not afraid of your decision. Remember, I ask you for no mitigation of damages. Nothing less than your verdict will satisfy me. By that verdict you will sustain the dignity of your sex; by that verdict you will uphold the honor of the national character; by that verdict you will assure not only the immense multitude of both sexes that thus so unusually crowds around you, but the whole rising generation of your country, that MARRIAGE CAN NEVER BE ATTENDED WITH HONOR, OR BLESSED WITH HAPPINESS, IF IT HAS NOT ITS ORIGIN IN MUTUAL AFFECTION. I surrender with confidence my case to your decision.”

A burst of applause, which continued for some minutes, followed the delivery of this speech; every individual in court, even those opposed to Mr. Phillips, bore this strong testimony to the delight and admiration he excited.

The damages were laid at £5000; and the plaintiff's counsel were, in the end, contented to withdraw a juror, and let him pay his own costs.

MR. PHILLIPS' SPEECH

In the case CREIGHTON vs. TOWNSEND, December, 1816.

This was a special action on the case, brought by the plaintiff, to recover compensation in damages for the seduction of his daughter by the defendant, by which he lost her service. The defendant pleaded the general issue. The damages were laid £6000.—It was tried before Lord Norbury and a special Jury. Mr. Phillips addressed the Court and Jury, on behalf of the plaintiff, in the following eloquent speech:

My Lord, and Gentlemen—I am, with my learned brethren, Counsel for the plaintiff. My friend, Mr. Curran, has told you the nature of the action. It has fallen to my lot to state more at large to you the aggression by which it has been

occasioned. Believe me, it is with no paltry affectation of undervaluing my very humble powers, that I wish he had selected some more experienced, or at least less credulous advocate. I feel I cannot do my duty: I am not fit to address you; I have incapacitated myself; I know not whether any of the calumnies which have so industriously anticipated this trial, have reached your ears; but I do confess they did so wound and poison mine, that to satisfy my doubts, I visited the house of misery and mourning, and the scene which set scepticism at rest has set defiance at defiance.—Had I not yielded to those interested misrepresentations, I might from my brief have sketched the fact, and from my fancy have drawn the consequences; but as it is, reality rushes before my frightened memory, and silences the tongue, and mocks the imagination. Believe me, gentlemen, you are empannelled there upon no ordinary occasion; nominally, indeed you are to repair a private wrong, and it is a wrong as deadly as human wickedness can inflict, as human weakness can endure; a wrong which annihilates the hope of the parent and the happiness of the child; which in one moment blights the fondest anticipations of the heart, and darkens the social hearth, and worse than depopulates the habitations of the happy! But, gentlemen, high as it is, this is far from your exclusive duty. You are to do much more. You are to say, whether an example of such transcendent turpitude is to stalk forth for public imitation—whether national morals are to have the law for their protection, or *imported* crime is to feed upon them with impunity: whether chastity and religion are still to be permitted to linger in this province; or it is to become one loathsome den of legalized prostitution—whether the sacred volume of the Gospel, and the vernal statutes of the law are still to be respected; or flung into the furnace of a devouring lust, or perhaps converted into a pedestal, on which the mob and the military are to erect the idol of a drunken adoration! Gentlemen, these are the questions you are to try; hear the facts on which your decision must be founded.

It is now about five and twenty years since the plaintiff, Mr. Creighton, commenced business as a slate-merchant in the city of Dublin. His vocation was humble, it is true, but it was nevertheless honest, and though unlike his opponent, the heights of ambition lay not before him, the path of respectability did—he has proved himself a good man, and a

respectable citizen. Arrived at the age of manhood, he sought not the gratification of its natural desires by adultery or seduction. For him the home of honesty was sacred; for him the poor man's child was unassailed. No domestic desolation mourned his enjoyment; no anniversary of woe commemorated his achievements. From his own sphere of life naturally and honorably he selected a companion, whose beauty blessed his bed, and whose virtues consecrated his dwelling. Eleven lovely children blessed their union, the darlings of their heart, the delight of their evenings; and, as they blindly anticipated, the prop and solace of their approaching age. O! sacred, wedded love, how dear, how delightful, how divine are thy enjoyments! Contentment crowns thy board, affection glads thy fireside; passion, chaste but ardent, modest but intense, sighs o'er thy couch, the atmosphere of Paradise! Surely, surely, if this consecrated rite can acquire from circumstances a factitious interest, 'tis when we see it cheering the poor man's home, or shedding over the dwelling of misfortune the light of its warm and lovely consolation.

Unhappily, gentlemen, it has that interest here.—That capricious power which often dignifies the worthless hypocrite, as often wounds the industrious and the honest.—The late ruinous contest, having in its career confounded all the proportions of society, and with its last gasp sighed famine and misfortune on the world, has cast my industrious client, with too many of his companions, from competence to penury. Alas, alas! to him it left worse of its satellites behind it; it left the invader even of his misery, the seducer of his sacred and unspotted innocent.—Mysterious Providence! was it not enough that sorrow robbed the happy home in mourning—was it not enough that disappointment preyed upon its lovely prospects—was it not enough that its little inmates cried in vain for bread, and heard no answer but the poor father's sigh, and drank no sustenance but the wretched mother's tears? Was this a time for passion, lawless, conscienceless, licentious passion with its eye of lust, its heart of stone, its hand of rapine, to rush into the mournful sanctuary of misfortune, casting crime into the cup of woe, and rob the parents of their last wealth, their child? and rob the child of her only charm, her innocence? That this has been done, I am instructed we shall prove. What requital it deserves, gentlemen, you must prove to mankind,

The defendant's name, I understand is Townsend. He is of an age when every generous blossom of the spring should breathe an infant freshness round his heart; of a family which should inspire not only high but hereditary principles of honor; of a profession whose very essence is a stainless chivalry, and whose bought unbounden duty is the protection of the citizen. Such are the advantages with which he appears before you—fearful advantages, because they repel all possible suspicion; but, you will agree with me, most damning advantages, if it shall appear that the generous ardor of his youth was chilled, that the noble inspiration of his birth was spurned, that the lofty impulse of his profession was despised, and all that could grace or animate, or ennoble, was used to his own discredit, and his fellow-creature's misery.

It was upon the 1st of June last, that on the banks of the canal, near Portobello, Lieutenant Townsend first met the daughter of Mr. Creighton, a pretty interesting girl, scarcely 16 years of age. She was accompanied by her little sister, only four years old, with whom she was permitted to take a daily walk in that retired spot, the vicinity of her residence. The defendant was attracted by her appearance; he left his party, and attempted to converse with her; she repelled his advances; he immediately seized her infant sister by the hand, whom he held as a kind of hostage for an introduction to his victim. A prepossessing appearance, a modesty of deportment apparently quite incompatible with any evil design, gradually silenced her alarm, and she answered the common-place questions with which, on his way home he addressed her. Gentlemen, I admit it was an innocent imprudence; the rigid rule of matured morality should have repelled such communication; yet, perhaps, judging even by that strict standard, you will rather condemn the familiarity of the intrusion in a designing adult, than the facility of access in a creature of her age and her innocence. They thus separated, as she naturally supposed, to meet no more. Not such, however, was the determination of her destroyer. From that hour until her ruin he scarcely ever lost sight of her; he followed her as a shadow, he waylaid her in her walks, he interrupted her in her avocations, he haunted the street of her residence; if she refused to meet him, he paraded before her window, at the hazard of exposing her first comparatively innocent imprudence to her unconscious

parents. How happy would it have been, had she conquered the timidity so natural to her age, and appealed at once to their pardon and their protection! Gentlemen, this daily persecution continued for three months—for three successive months, by every art, by every persuasion, by every appeal to her vanity and her passions, did he toil for the destruction of this unfortunate young creature. I leave you to guess how many during that interval might have yielded to the blandishments of manner, the fascinations of youth, the rarely resisted temptations of opportunity. For three long months she did resist them. She would have resisted them forever, but for an expedient which is without a model—but for an exploit which I trust in God will be without an imitation. O yes! he might have returned to his country—and did he but reflect, he would rather have rejoiced at this virtuous triumph of his victim, than mourned his own soul-redeeming defeat—he might have returned to his country, and told the cold-blooded libellers of this land, that their speculations upon Irish chastity were prejudiced and proofless; that in the wreck of all else, we had retained our honor—that though the national luminary had descended for a season, the streaks of its loveliness still lingered on our horizon—that the nurse of that genius which abroad has redeemed the name, and dignified the nature of man, was to be found at home in the spirit without a stain, and the purity without a suspicion—he might have told them truly, that this did not result, as they would intimate, from the absence of passion, or the want of civilization—that it was the combined consequence of education, of example and of impulse, and that, though in all the revelry of enjoyment, the fair flowret of the Irish soil exhaled its fragrance, and expanded its charms, in the chaste and blessed beams of a virtuous affection, still it shrunk with an instinctive sensitiveness from the gross pollution of an unconsecrated contract!

Gentlemen, the common artifices of the seducer failed; the syren tones with which sensuality awakens appetite, and lulls purity, had wasted themselves in air, and the intended victim, deaf to the fascination, moved along safe and untransformed. He soon saw, that young as she was, the vulgar expedients of vice were ineffectual; that the attractions of a glittering exterior failed; and that before she could be tempted to her sensual damnation, his tongue must learn, if not the words of wisdom, at least the speciousness of affected purity.

He pretended an affection as virtuous as it was violent; he called God to witness the sincerity of his declarations; by all the vows which should forever rivet the honorable, and could not fail to convince even the incredulous, he promised her marriage; over and over again he invoked the eternal denunciation if he was perfidious—to her acknowledged want of fortune, his constant reply was, that he had an independence—that all he wanted was beauty and virtue; that he saw she had the one—that he had proved she had the other. When she pleaded the obvious disparity of her birth, he answered, that he was himself only the son of an English farmer—that happiness was not the monopoly of rank or riches—that his parents would receive her as the child of their adoption—that he would cherish her as the charm of his existence. Specious as it was, even this did not succeed; she determined to await its avowal to those who had given her life, and who hoped to have made it immaculate by the education they had bestowed, and the example they had afforded. Some days after this, he met her in her walks; for she could not pass her parental threshold without being intercepted. He asked her where she was going? She said, a friend, knowing her fondness for books, had promised her the loan of some, and she was now going to receive them. He told her he had an abundance; that they were just at his house; that he hoped after what had passed, she would feel no impropriety in accepting them. She was persuaded to accompany him. Arrived, however, at the door of his lodgings, she positively refused to go any farther; all his former artifices were redoubled; he called God to witness he considered her as his wife, and her character as dear to him as that of one of his sisters—he affected mortification at any suspicion of his purity—he told her, if she refused her confidence to his honorable affection, the little infant who accompanied her, was an inviolable guarantee for her protection.

Gentlemen, this wretched child did suffer her credulity to repose on his professions. Her theory taught her to respect the honor of a soldier; her love repelled the imputation that debased its object; and her youthful innocence rendered her as incredulous as she was unconscious of criminality. At first his behaviour corresponded with his professions; he welcomed her to the home of which he hoped she would soon become the inseparable companion; he painted the future joys of their domestic felicity, and dwelt with peculiar com-

placency on some heraldic ornament which hung over his chimney-piece, and which he said, was the armorial ensign of his family ! O, my Lord, how well would it have been had he but retraced the fountain of that document ; had he recalled to mind the virtues it rewarded, the pure train of honors it associated, the line of spotless ancestry it distinguished, the high ambition its bequest inspired the moral imitation it imperatively commanded ! But when guilt once kindles within the human heart, all that is noble in our nature becomes parched and arid ; the blush of modesty fades before its glare ; the sighs of virtue fan its lucid flame, and every divine essence of our being but swells and exasperates its infernal conflagration.

Gentlemen, I will not disgust this audience : I will not debase myself by any description of the scene that followed ; I will not detail the arts, the excitements, the promises, the pledges, with which deliberate lust inflamed the passions, and finally overpowered the struggles of innocence and of youth. It is too much to know, that tears could not appease, that misery could not affect—that the presence and the prayers of an infant could not awe him ; and that the wretched victim, between the ardour of passion and the repose of love, sunk at length inflamed, exhausted and confiding, beneath the heartless grasp of an unsympathising sensuality ! The appetite of the hour thus satiated, at a temporal, perhaps at an eternal hazard, he dismissed the sisters to their unconscious parents, not, however, without extorting a promise, that on the ensuing night, Miss Creighton would desert her home forever, for the arms of a fond, affectionate, and faithful husband. Faithful, alas ! but only to his appetites—he did seduce her from that “ sacred home,” to deeper guilt, to more deliberate cruelty !

After a suspense, comparatively happy, her parents became acquainted with her irrevocable ruin. The miserable mother, supported by the mere strength of desperation, rushed half frenzied to the castle where Mr. Townsend was on duty—“ Give me back my child ! ” was all she could articulate. The parental ruin struck the spoiler almost speechless. The few dreadful words, “ I have your child,” withered her heart up with the horrid joy that death denied its mercy ; that her daughter lived, but lived also in infamy—she could neither speak nor hear—she sunk down, convulsed and powerless. As soon as she could recover to any thing of

effort, naturally did she turn to the residence of Mr. Townsend—his orders had anticipated her—the sentinel refused her entrance—she told her sad narration—she implored his pity—with the eloquence of grief, she asked him, had he a home, or wife, or children? “O, holy nature! thou didst not plead in vain!” even the rude soldier’s heart relented. He admitted her by stealth, and she once more held within her arms the darling hope of many an anxious hour—duped—desolate—degraded, it was true—but still her child. Gentlemen, if the parental heart cannot suppose what followed, how little adequate am I to paint it. Home this wretched creature could not return; a seducer’s mandate and a father’s anger equally forbade it. But she gave whatever consolation she was capable; she told the fatal tale of her undoing; the hopes, the promises, the studied specious arts that had seduced her; and, with a desperate credulity, still watched the light, that glimmering in the distant vista of her love, mocked her with hope, and was to leave her to the tempest. To all the reproaches of maternal anguish, she would still reply, “Oh no; in the eye of Heaven he is my husband; he is my husband; he took me from my home, my happiness and you; but still he pledged to me a soldier’s honor; but he assured me with a christian’s conscience; for three long months I heard his vows of love; he is honorable, and will not deceive; he is humane, and will not desert me.” Hear, gentlemen, hear, I beseech you, how this innocent confidence was returned. When her indignant father had resorted to Lord Forbes, the commander of the forces, and to the noble and learned head of this Court, both of whom received him with a sympathy that did them honor, Mr. Townsend sent a brother officer to inform her she must quit his residence and take lodgings; in vain she remonstrated; in vain reminded him of her former purity, and the promises that betrayed it. She was literally turned out at night-fall, to find whatever refuge the God of the shelterless might provide for her! Deserted and disowned, how naturally did she turn to the once happy home whose inmates she had disgraced, and whose protection she had forfeited! How naturally did she think the once familiar and once welcome avenues looked frowning as she passed! How naturally did she linger, like a repossessing spectre round the memorials of her living happiness! Her heart failed her—where a parent’s smile had ever cheer’d her, she could not face the glance of shame, or sorrow, or

disdain; she returned to seek her seducer's pity, even till the morning. Good God! how can I disclose it? The very guard had orders to refuse her access; even by the rabble soldiery she was cast into the street, amid the night's dark horrors, the victim of her own credulity, the outcast of another's crime, to seal her guilty woes with suicide, or lead a living death amid the tainted sepulchres of a promiscuous prostitution! Far, far am I from sorry that it was so. Horrible beyond thought as is that aggravation, I only hear in it the voice of the Deity in thunder upon the crime. Yes, yes, it is the present God, arming the vicious agent against the vice, and terrifying from its conception by the turpitude to which it may lead. But what aggravation does seduction need? Vice is its essence, lust its end, hypocrisy its instrument, and innocence its victim. Must I detail its miseries? Who depopulates the home of virtue, making the child an orphan and the parent childless? Who wrests its crutch from the tottering helplessness of piteous age? Who wrings its happiness from the heart of youth? Who shocks the vision of the public eye? Who infects your very thoughtfaires with disease, disgust, obscenity and profaneness? Who pollutes the harmless scenes where modesty resorts for mirth, and toil for recreation, with sights that stain the pure and shock the sensitive? Are these the phrases of an interested advocacy? Is there one amongst you but have witnessed their verification? Is there one amongst you so fortunate or secluded, as not to have wept over the wreck of health, and youth, and loveliness, and talent, the fatal trophies of the seducer's triumph?—Some form, perhaps, where every grace was squandered, and every beauty paused to waste its bloom, and every beam of mind, and tone of melody, poured their profusion upon the public wonder; all that a parent's prayer could ask, or a lover's adoration fancy; in whom every pollution looked so lovely, that virtue would have made her more than human! Is there an epithet too vile for such a spoiler? Is there a punishment too severe for such depravity? I know not upon what complaisance this English seducer may calculate from a jury of this country; I know not, indeed, whether he may not think he does your wives and daughters some honor by their contamination. But I know well what a reception he would experience from a jury of his own country. I know, that in such general execration do they view this crime, they think no possible plea a palliation. No—not the mature age

of the seduced; not her previous protracted absence from her parents—not a levity approaching almost to absolute guilt; not an indiscretion in the mother that bore every colour of connivance; and, in this opinion, they have been supported by all the venerable authorities with whom age, integrity and learning, have adorned the judgment seat.

Gentlemen, I come armed with these authorities, in the case of *Tullidge v. Wade*.—My Lord, it appeared the person seduced was thirty years of age, and long absent from home; yet, on a motion to set aside the verdict for excessive damages, what was the language of Chief Justice Wilmut?—"I regret," said he, "that they were not greater; though the plaintiff's loss did not amount to twenty shillings, the jury were right in giving ample damages; because, such actions should be encouraged for example's sake."—Justice Clive wished they had given twice the sum; and in this opinion the whole Bench concurred. This was a case where the girl was of a mature age, and living apart from her parents. Here, the victim is almost a child, and was never for a moment separated from her home. Again, in the case of "*Bennett v. Alcott*," on a similar motion, grounded on the apparently overwhelming fact, that the mother of the girl had actually sent the defendant into her daughter's bed-chamber, where the criminality occurred, Justice Buller declared, "he thought the parent's indiscretion no excuse for the defendant's culpability;" and the verdict of £200 damages was confirmed.—There was a case of literal connivance—here, will they have the hardihood to hint even its suspicion? You all must remember, Gentlemen, the case of our own countryman, Capt. Gore, against whom, only the other day, an English jury gave a verdict of £1500 damages, though it was proved, that the person alleged to have been seduced was herself the seducer, going even so far as to throw gravel up at the windows of the defendant; yet Lord Ellenborough refused to disturb the verdict. Thus, you may see, I rest not on my own proofless and unsupported dictum; I rely upon grave decisions and venerable authorities; not only on the indignant denunciation of the moment, but on the deliberate concurrence of the enlightened and the dispassionate.

I see my learned opponent smile. I tell him, I would not care if the books were an absolute blank upon the subject. I would then make *the human heart* my authority. I would appeal to the bosom of every man who hears me, whether

such a crime should grow unpunished into a precedent—whether innocence should be made the subject of a brutal speculation. What damages should you give here, where there is nothing to excuse—where there is every thing to aggravate? The seduction was deliberate, it was three months in progress, its victim was almost a child; was committed under the most alluring promises; it was followed by a deed of the most dreadful cruelty; but, above all, it was the act of a man commissioned by his own country, and paid by this, for the enforcement of the laws, and the preservation of society. No man more respects than I do the well-earned reputation of the British army.

“It is a school,
Where every principle tending to honor
Is taught—if followed”

But in the name of that distinguished army, I here solemnly appeal against an act which would blight its greenest laurels, and leave their trophies prostrate in the dust.—Let them war, but be it not on domestic happiness; let them invade, but be their country's hearths inviolate; let them achieve a triumph wherever their banners fly, but be it not over morals, innocence, and virtue. I know not by what palliation the defendant means to mitigate this enormity—will he plead her youth? it should have been her protection. Will he plead her levity? I deny the fact; but even were it true, what is it to him? What right has any man to speculate on the temperature of your wives and your daughters, that he may defile your bed, or desolate your habitation? Will he plead poverty? I never knew a seducer, or an adulterer that did not. What! shall the sacred seal of filial obedience, upon which the Almighty Parent has affixed his eternal fiat, be violated with impunity by blasphemous and selfish libertinism!

Gentlemen, if the cases I have quoted, palliated as they were, have been humanly marked by ample damages he should have considered that before. But is poverty an excuse for crime? Our law says, he who has not a purse to pay for it, must suffer for it in his person. It is a most wise declaration; and for my part, I never hear such a person plead poverty, but that my first emotion is a thanksgiving, that Providence has denied, at least, the instrumentality of wealth to the accomplishment of his purposes. Gentlemen, I see you agree with me—I waive the topic, and I again tell you,

that if what I know will be his chief defence, were true, it should avail him nothing. He had no right to speculate on this wretched creature's levity, to ruin her, and still less to ruin her family. Remember, however, Gentlemen, that even had this wretched child been indiscreet it is not in her name we ask the reparation ; no, it is in the name of the parents her seducer has heart-broken ; it is in the name of the poor helpless family he has desolated ; it is in the name of that misery whose sanctuary he has violated ; it is in the name of law, virtue, and morality ; it is in the name of that country, whose fair fame foreign envy will make responsible for this crime ; it is in the name of nature's dearest, tenderest sympathies ; it is in the name of all that gives your toil an object, and your ease a charm, and your age a hope. I ask from you *the value of the poor man's child.*

[Verdict for the plaintiff, £750 and costs.]

CONFLICT OF AFFECTION AND DUTY.

A grocer of the city of Smyrna had a son, who with the help of the little learning the country could afford, rose to the post of Naib, or deputy of the Cadi ; and as such visited the markets, and inspected the weights and measures of all the retail dealers. One day as this officer was going his rounds the neighbors, who knew enough of his father's character to suspect that he might stand in need of the caution, advised him to remove his weights ; but the old cheat trusting to his relationship to the inspector, laughed at their advice.

The Naib, on coming to his shop, coolly said to him, "Good man, fetch out your weights, that we may examine them." Instead of obeying, the grocer endeavored to evade the order with a laugh, but was soon convinced that his son was serious, by his ordering the officers to search his shop. The instruments of his fraud were soon discovered ; and after a partial examination, openly condemned and broken to pieces. He was also sentenced to a fine of fifty piasters, and to receive a bastinado of as many blows on the soles of his feet.

After this had been effected on the spot, the Naib, leaping from his horse, threw himself at the feet of his father, and watering them with his tears, thus addressed him : "Father, I have discharged my duty to my God, my sovereign, and my country, as well as to the station I hold ; permit me now by my respect and submission, to acquit the debt I owe a pa-

rent, Justice is blind; it is the power of God on earth; it has no regard to the ties of kindred. God and our neighbors' rights are above the ties of nature; you had offended against the laws of justice; you deserved this punishment, but I am sorry it was your fate to receive it from me. My conscience would not suffer me to act otherwise. Behave better for the future; and instead of censuring me, pity my being reduced to so cruel a necessity."

So extraordinary an act of justice gained him the acclamations and praise of the whole city; and a report of it being made to the Sublime Porte, the Sultan advanced the Naib to the post of Cadi, and he soon after rose to the dignity of Mufti.

BRUTUS.

When the disgrace of Lucretia, daughter of Brutus, by the eldest son of Tarquinius Superbus, was known in Rome, the people determined to shake off the tyranny by which they were oppressed, and drive the proud and cruel monarch from the throne of which he had proved himself so unworthy. Brutus, as captain of the guards, called an assembly, in which he expatiated on the loss of their liberty, and the cruelties they suffered by the usurpation and oppressive government of Tarquin. The whole assembly applauded the speech, and immediately sentenced Tarquin, his wife, and family, to perpetual banishment. A new form of government was proposed; and after some difficulties, it was unanimously agreed to create in the room of the king, two consuls, whose authority should be annual. The right of election was left to the people, and immediately they chose Brutus and Collatinus consuls, who swore for themselves, their children, and posterity, never to recall either Tarquin or his sons, or any of his family, and that those who should attempt to restore monarchy, should be devoted to the infernal gods, and immediately put to death.

Before the end of the year, a conspiracy was formed, in which many of the young nobility were concerned, and among the rest the two sons of Brutus the consul. Their object was to restore the Tarquins; and they were so infatuated by a supernatural blindness, says Dionysius, as to write under their own hands, letters to the tyrant, informing him of the number of conspirators, and the time appointed for despatching the consuls.

A slave of the name of Vindicius became acquainted with their designs, and gave information to the consuls, who immediately went with a strong guard, and apprehended the conspirators and seized the letters.

As soon as it was day, Brutus ascended the tribunal. The prisoners were brought before him, and tried in form. The evidence of Vindicius was heard, and the letters of Tarquin read; after which the conspirators were asked if they had any thing to urge in their defence. Sighs, groans, and tears, were their only answer. The whole assembly stood with downcast looks, and no man ventured to speak. This mournful silence was at last broken with slow murmurs of *banishment! banishment!* But the public good, which predominated over the feelings of a parent, urged Brutus to pronounce on them the sentence of death.

Never was an event more capable of creating at the same time feelings of grief and horror. Brutus, father and judge of the two offenders, was obliged by his office to see his own sons executed. A great number of the most noble youths suffered death at the same time, but the rest were as little regarded as if they had been persons unknown. The consul's sons alone attracted all eyes; and while the criminals were executing, the whole assembly fixed their attention on the father, examining his behaviour and looks, which in spite of his sad firmness, discovered the sentiments of nature, which he could not entirely stifle, although he sacrificed them to the duties of his office.

A MODERN BRUTUS.

In the year 1526, James Lynch Fitzstephen, a merchant, who was at that time mayor of Galway, in Ireland, sent his only son as commander of one of his ships to Bilboa, in Spain, for a cargo of wine. The credit which he possessed was taken advantage of by the son, who secreted the money with which he was entrusted for the purchase of the cargo; and the Spaniard who supplied him on this occasion, sent his nephew with him to Ireland to receive the debt, and establish a farther correspondence. The young men, who were nearly of the same age, sailed together with that apparent confidence and satisfaction which congenial pursuits generally create among mankind. The ship proceeded on her voyage, and as every day brought them nearer the place of destination, and the discovery of the fraud of young Fitzste-

phen, he conceived the diabolical resolution of murdering his friend; a project in which, by promises of reward and fear, he brought the greatest part of the ship's crew to join. On the night of the fifth day, the unfortunate Spaniard was violently seized in his bed and thrown overboard. A few days more brought the ship to port. The father and friends of young Fitzstephen received him with joy, and in a short time bestowed a sufficient capital to enable him to commence business.

Security had now lulled every sense of danger, and he sought the hand of a beautiful girl, the daughter of one of his neighbors. His proposals were accepted, and the day appointed which was to crown his yet successful villainy, when one of the sailors who had been with him on the voyage to Spain was taken ill, and finding himself on the point of death, sent for the father, and communicated a full account of the horrid deed his son had committed. The father, though struck speechless with astonishment and horror, at length shook off the feelings of the parent, and exclaimed, "Justice shall take its course." He immediately caused his son to be seized with the rest of the crew, and thrown into prison. They all confessed their crime—a criminal prosecution was commenced, and in a few days, a small town in the west of Ireland beheld a sight scarcely paralleled in the history of mankind; a father, like another Brutus, sitting in judgment on his son! and like him too, condemning him to die as a sacrifice to public justice!—A father consigning his only son to an ignominious death, and tearing away all the bonds of paternal affection, where the laws of nature were violated, and justice demanded the blow!—A father with his own lips pronouncing that sentence which left him childless, and at once blasted for ever the honour of an ancient and noble family! "Were any other but your wretched father your judge," said the virtuous magistrate, "I might have dropped a tear over my child's misfortunes, and solicited his life, though stained with murder; but you must die. These are the last drops which shall quench the spark of nature; and if you dare hope, implore that heaven may not shut the gates of mercy on the destroyer of his fellow-creature." Amazement sat on the countenance of every one. The fellow citizens of the inflexible magistrate, who revered his virtues and pitied his misfortunes, saw with astonishment the fortitude with which he yielded to the cruel necessity, and heard him doom his son to a public and ignominious death.

The relatives of the unhappy culprit surrounded the father ; they conjured him, by all the ties of affection, of nature, and of compassion, to spare his son. His wretched mother flew in distraction to the heads of her own family, and conjured them, for the honor of their house, to rescue her from the ignominy the death of her son must bring upon their name. The citizens felt compassion for the father ; affection for the man ; every nobler feeling was roused, and they privately determined to rescue the young man from prison during the night, under the conviction of Fitzstephen having already paid the tribute due to justice and to his honor, would secretly rejoice at the preservation of the life of his son. But they little knew the heart of this noble magistrate. By some accident their determination reached his ear ; he instantly removed his son from the prison to his own house, which he surrounded with the officers of justice.

In the morning he partook with his son the office of the holy communion : after giving and receiving a mutual forgiveness, the father said, " You have little time to live, my son, let the care of your soul employ the few moments ; take the last embrace of your unhappy father."

The son was then hung at the door of his father ; a dreadful monument of the vengeance of heaven, and an instance of the exercise of justice, that leaves every thing of the kind in modern times at an immeasurable distance.

The father immediately resigned his office ; and after his death, which speedily followed that of his son, the citizens fixed over the door of the house a death's head and cross bones, carved in black marble, to perpetuate the remembrance of this signal act of justice.

PERFIDY PUNISHED.

Brutus, the general, having conquered the Patarenses, ordered them on pain of death to bring him all their gold and silver, and promised rewards to such as should discover any hidden treasures. Upon this a slave belonging to a rich citizen, informed against his master, and discovered to a centurion the place where he had buried his wealth. The citizen was immediately seized, and bro't, together with the treacherous informer, before Brutus. The mother of the accused followed them, declaring, with tears in her eyes, that she had hidden the treasure without her son's knowledge, and that consequently she alone ought to be punished. The slave

maintained that the master, and not the mother, had transgressed the edict. Brutus heard both parties with great patience, and being convinced that the accusation of the slave was chiefly founded on the hatred he bore to his master, he commended the tenderness and generosity of the mother—restored the whole sum to the son, and ordered the slave to be crucified. This judgment, which was immediately published all over Lycia, gained him the hearts of the inhabitants, who came in flocks to him from all quarters, offering of their own accord the money they possessed.

PERFIDY REWARDED.

What a noble contrast does the conduct of Brutus form, to the base cruelty which disgraced the reign of James II. on an occasion not very dissimilar. During Monmouth's rebellion, one of his followers knowing the humane disposition of a lady of the name of Mrs. Gaunt, whose life was one continued exercise of beneficence, fled to her house, where he was concealed and maintained for some time. Hearing, however, of the proclamation which promised an indemnity and reward to those who discovered such as harboured the rebels, he betrayed his benefactress; and such was the spirit of justice and equity which prevailed among the ministers, that the ungrateful wretch was pardoned, and recompensed for his treachery, while his benefactress was burnt alive for her charity towards him.

MEMORABLE EXAMPLE.

Cambyzes, king of Persia, was remarkable for the severity of his government, and his inexorable regard to justice. The prince had a favourite of the name of Sisamnes, whom he made a judge; but who presumed so far on the credit he had with his master, that justice was sold in the courts of judicature as openly as provisions in the market. When Cambyzes was informed of these proceedings, enraged to find his friendship so ungratefully abused, the honor of his government prostituted, and the liberty and prosperity of his subjects sacrificed to the avarice of this wretched minion, he ordered him to be seized and publicly degraded; after which, he commanded his skin to be stripped over his ears, and the seat of judgment covered with it, as a warning to others. At the same time, to convince the world that this severity proceeded only from the love of justice, he permitted the son to

succeed his father in the honors and office of prime minister, cautioning him that the same partiality and injustice should meet with a similar punishment. It is remarked of his successor, that he was one of the most upright judges that ever existed, but on many occasions he was observed to wriggle very much in his seat.

PROMPT AND SIGNAL REDRESS.

The emperor Canki, of China, being out hunting, and having strayed from his attendants, met with a poor old man, who wept bitterly, who appeared much afflicted for some extraordinary disaster. He rode up to him, and inquired the cause of his distress. "Alas! sir," replied the old man, "though I should tell you the cause of my distress, it is not in your power to remedy it." "Perhaps, my good man, I may serve you," replied the emperor; upon which the man told him that all his sufferings were owing to a governor of one of the emperor's pleasure-houses, who had seized upon a small estate of his near the royal house, and had reduced him to beggary. Not contented with this inhuman treatment, he had forced his son to become a slave, and thus robbed him of the only support of his old age.

The emperor was so affected with this speech, and so fully resolved to punish a crime committed under the sanction of his authority, that he determined on immediately accompanying the old man to the governor; but not knowing to whom he spoke, the old man remonstrated on the danger of such a mission; and being unable to dissuade him from it, pleaded his inability to keep pace with the emperor, who was mounted. "I am young," answered the emperor, "do you get on horseback, and I will go on foot."

The old man not accepting the offer, the emperor took him up behind him, notwithstanding his ragged and filthy appearance, and they soon arrived at the house. The emperor asked for the governor, who, appearing, was greatly surprised, when the prince in accosting him discovered to him the embroidered dragon, which he wore on his breast, and which his hunting dress had concealed. It happened, as if to render more famous this memorable act of justice and humanity, that most of the nobles, who had followed the emperor in the chase, came up at the time; and before this grand assembly, he reproached the old man's persecutor with his signal injustice; and after obliging him to restore to him his estate

and son, he ordered his head to be instantly cut off. He did more; he put the old man in his place, admonishing him to take care, lest, fortune changing his manners, another might avail himself hereafter of his injustice, as he now had of the injustice of the governor.

DELAY OF JUDGMENT.

Juvenalis, a widow, complained to Theodoric, king of the Romans, that a suit of her's had been in court three years, which might have been decided in a few days. The king, being informed who were her judges, gave orders that they should give all expedition to the poor woman's cause; and in two days it was decided to her satisfaction. Theodoric then summoned the judges before him, and inquired how it was that they had done in two days what they had delayed for three years? "The recommendation of your majesty," was the reply. "How," said the king, "when I put you in office, did I not consign all pleas and proceedings to you? You deserve death for having delayed that justice for three years, which two days could accomplish;" and, at that instant, he commanded their heads to be struck off.

A BRIBE WELL WEIGHED.

A poor man in Turkey claimed a house which a rich neighbor had usurped; he held his deeds and documents to prove his right, but his more powerful opponent had provided a number of witnesses to invalidate them; and to support their evidence more effectually, he presented the Cadi with a bag containing five hundred ducats.

When the cause came to be heard, the poor man told his story, and produced his writings, but wanted that most essential and only valid proof, witness. The other, provided with witnesses, laid his whole stress on them, and on his adversary's defect in law, who could produce none; he therefore urged the Cadi to give sentence in his favor.

After the most pressing solicitations, the judge calmly drew from under his seat the bag of five hundred ducats, which the rich man had given him as a bribe; saying to him, very gravely, "You have been much mistaken in this suit; for if the poor man could bring no witnesses in confirmation of his right, I myself can produce at least five hundred." He then threw him the bag with reproach and indignation, and decreed the house to the poor plaintiff.

In the year 1770, a person of the name of Monthaille, without any accuser, witness, or any probable or even suspicious circumstances, was seized by the superior tribunal of Arras, and condemned to have his hand cut off, to be broken on the wheel, and to be afterward burnt alive, for killing his mother. The sentence was executed, and his wife was on the point of being thrown into the flames as his accomplice, when she pleaded that she was innocent, and gave the Chancellor of France, who was informed of the infernal iniquity that was perpetrating in the sacred name of justice, time to have the sentence as to her reversed. "The pen trembles in my hand," says Voltaire, "when I relate these enormities! We have seen, by the letters of several French lawyers, that not one year passes, in which one tribunal or another does not stain the gibbet or the rack with the blood of unfortunate citizens, whose innocence is afterwards ascertained, when it is too late."

VERDICT AGAINST EVIDENCE.

It has been well observed by a modern writer, that "we are very apt to mistake the foulness of a crime for certainty of evidence against the individual accused of it; or in proportion as we are impressed with its enormity, the less nice we become in distinguishing the offender." A striking illustration of this remark once presented itself. An atrocious murder having been committed, an unfortunate individual was accused of being the murderer, and brought to trial. The judge charged the jury, that no evidence had been produced against the prisoner, and that therefore they must of necessity acquit him. To the surprise of the court, however, the jury returned a verdict of "Guilty." The verdict being recorded, the judge requested to know upon what shadow of proof it had been brought. "My lord," answered the foreman, "a great crime has been committed; somebody ought to suffer for it; and we do not see why it should not be this man!"

LORD CHANCELLOR BACON.

Among the foremost in the ranks of the fawning, treacherous, and corrupt courtiers that surrounded James the First, we discover with pain one of the greatest men that our country or the world has produced. The friends of science must ever regret that this character should apply to so sublime a genius as Lord Bacon.

The proceedings in the case of Peacham show that there never was a more deliberate enemy to the liberties of his country, nor stauncher supporter of tyranny, even to its extreme verge. This unfortunate man was put to the torture, tried, convicted, and condemned as a traitor, for certain passages, said to be treasonable in a sermon which was never preached, nor intended to be so, but only found in writing in his study. The minute made upon the occasion of his torture is still preserved. It is in the hand-writing of Secretary Winwood, and states that he had been examined "before torture, in torture, between torture, and after torture," and "that nothing could be drawn from him, he still persisting in his obstinate and insensible denials." This monument of tyranny is signed, among others, by Bacon; and as a fit associate in so barbarous procedure, also by Sir Jervis Elwis, Lieutenant of the Tower, who was condemned and executed two years afterward for being an accessory to the detestable and treacherous murder of Sir Thomas Overbury.

The case of Wraynham, who was punished by the Star Chamber for slandering Lord Bacon, by accusing him of injustice, is still more melancholy and instructive. He had a cause in Chancery, on which his all depended, against Sir Edward Fisher; and after expending his whole fortune, and that of several compassionate friends who assisted him, he had at last obtained from Lord Bacon's predecessors in the Chancery a favorable judgment; which Lord Bacon thought proper, without any cause assigned, to reverse. Wraynham applied for justice to the King, presenting him with a statement of his case, conveyed in language which, if reprehensible, was at least pardonable in a man in his unhappy situation. The King handed over the imprudent supplicant to the Star Chamber; The lords asked him how he dared to speak in the manner in which he had done of so pure and upright a character as the lord chancellor. Wraynham replied by the following simple and affecting statement:

"In making this appeal, I mustered together all my miseries; I saw my land taken away which had been before established unto me; and after six-and-forty orders and twelve reports made in the cause; nay, after motions, hearings, and rehearings, fourscore in number, I beheld all overthrown in a moment, and all overthrown without a new bill preferred. I discerned the representation of a prison gaping for me, in which I must from henceforth spend all the days of my life

without release; for in this suit I have spent almost £3000, and many of my friends were engaged for me, some injured, others undone; and with this did accompany many eminent miseries likely to ensue upon me, my wife, and four children, the eldest of which being but five years old; so that we, that did every day give bread to others, must now beg bread of others, or else starve, which is the miserablest of all deaths; and there being no means to move his majesty to hear the cause, but to accuse his lordship of injustice; this and all these moved me to be sharp and bitter, and to use words, tho' dangerous in themselves, yet I hope pardonable in such extremities."

Mr. Sargeant Crew, on the part of the crown, by way of aggravating Mr. Wraynham's guilt, pronounced a most splendid eulogium on the lord chancellor, whose talents and integrity as a judge were such, he said, that it was a "foul offence" to traduce him. The learned sergeant farther observed, that at all events the prisoner could not accuse the lord chancellor with *corruption*; "for, thanks be to God, he has always despised riches, and set honour and justice before his eyes; and where the magistrate is bribed, it is a sign of a corrupted state."

The result of the business was, that the chamber imposed a fine on Wraynham, which completely ruined him.

Now mark the sequel! Two years after the sacrifice of this unfortunate man and his family to the purity of Lord Chancellor Bacon, his lordship was accused and convicted by his own confession of bribery and corruption, and gave in to parliament, under his own hand, a list of the bribes which he had received during the period of his filling the office of lord chancellor. In the list how revolting is it to perceive a bribe received in *this very case*, from the miserable Wraynham's opponent in the suit which reduced his family to beggary, and condemned himself to spend the remainder of his days in jail!

CHRISTIAN IV. KING OF DENMARK.

One Christopher Rosenkranz, in Copenhagen, demanded from the widow of Christian Tuul a debt of five thousand dollars. She was certain that she did not owe him any thing; but he produced a bond signed by herself, and her deceased husband, which, however, she declared to be forged. The affair was brought before a court of justice, and the widow

was condemned to pay the demand. In her distress, she applied to King Christian IV. who promised to take the affair into consideration. He sent for Rosenkranz, questioned him closely, begged, exhorted, but all to no purpose. The creditor appealed to the written bond. The King asked for the bond, sent Rosenkranz away, and promised that he would very soon return it to him. The King remained alone to examine this important paper, and discovered after much trouble, that the paper manufacturer, whose mark was on the bond, had not begun his manufactory till many years after its date. The inquiries made, confirmed this fact. The proof against Rosenkranz was irrefragable. The King said nothing about it, but sent for Rosenkranz some days after, and exhorted him in the most affecting manner to have pity on the poor widow, because, otherwise, the justice of heaven would certainly punish him for such wickedness. He unblushingly insisted on his demand, and even presumed to affect to be offended. The King's mildness went so far, that he still gave him some days for consideration: but all to no purpose. He was then arrested and punished with all the rigor of the laws.

JUDICIAL INTEGRITY.

A country gentleman once sent a present of a buck to Judge Hale, before whom he had a cause coming on for trial. The cause being called, and the judge taking notice of the name, asked, "if he was not the person that had presented him with a buck?" Finding that he was the same, the judge told him, "he could not suffer the trial to go on till he had paid him for his buck." The gentleman answered, "that he never sold his venison, and that he had done no more to his lordship than what he had always done to every judge who came that circuit." Several gentlemen on the bench bore testimony to the truth of this statement; but nothing would induce the judge to give way; he persisted in refusing to allow the trial to proceed till he had paid for the venison. The gentleman on this, somewhat indignant, withdrew the record, saying, "he would not try his cause before a judge who suspected him to be guilty of bribery by a customary civility." A noble contest! between judicial integrity on one side, and honorable hospitality on the other!—a contest eminently characteristic of English judge and English gentleman.

PETER THE GREAT.

There was at Moscow a very learned counsellor in the law, whose reputation reaching the ears of Peter the Great, he raised him to the rank of Chief Judge, or Governor of the Province of Novgorod. On appointing him to this office, his majesty declared to him in the most formal manner, that he had as much confidence in his integrity as in his skill, in settling disputes impartially; and that he trusted he would continue to distribute justice in a disinterested manner throughout the extent of his jurisdiction.

The new judge faithfully discharged his duties for some time; but after a few years had elapsed, it was publicly reported that he received presents; that he perverted the laws, and committed flagrant acts of injustice. Peter, who flattered himself that he had not been deceived in his choice, considered it at first a calumny; but on making the necessary inquiry, found that the judge, upright as he had thought him, was no longer so; but that, corrupted by presents, he had more than once made a trade of justice.

The monarch determined on questioning the judge, who confessed that he had suffered himself to be seduced by bribes in several affairs submitted to his judgment, and that he had pronounced sentences contrary to law. On being reproached by the king, he pleaded the lowness of his salary, which would not enable him to provide any thing for his wife and children, or permit him to live in a condition suitable to the rank to which he had been raised. "How much then," said the Czar, "would it require to put you above the necessity of receiving presents, and making a trade of justice?" "Twice the income I enjoy at present," answered the judge. "Will that be sufficient," said the Czar, "to enable you to discharge the duties of your office with fidelity?" The judge declared it would, and pledged himself to future good conduct. "Well, then," said the Czar, "I pardon you for this time: you shall enjoy double your present salary, and I will add to it half as much more, on condition that you keep your word."

The governor, transported with joy, fell at the feet of his sovereign to return him thanks. His conduct for more than a year was conformable to the wishes of the Czar, and he administered justice faithfully; but fancying at last that the monarch had long ceased from watching his conduct, he began to take presents again, and to commit acts of oppression

and injustice. The Czar being informed of it, the judge was tried and found guilty: a message from the sovereign was sent to him, intimating that as he had not kept his word, the prince was under the necessity of keeping his; and the corrupt judge was accordingly hanged.

RESPONSIBILITY OF JUDGES IN HOLLAND.

A servant girl was erroneously convicted at Middleburg of robbing her master; the property was found locked up in her box: her mistress had placed it there. She was flogged, brand-marked, and confined to hard labor in the rasp house. Whilst she was suffering her sentence, the guilt of her mistress was discovered. The mistress was prosecuted, condemned to the severest scourging, a double brand, and hard labor for life. The sentence was reversed, and a heavy fine inflicted on the tribunal, and given to the innocent sufferer as an indemnification.

FREDERICK THE GREAT.

When Frederick the Second of Prussia built the palace of Sans Souci, there happened to be a mill, which greatly limited him in the execution of his plan; and he desired to know how much the miller would take for it. The miller replied, that for a long series of years his family had possessed the mill, which had passed from father to son, and that he would not sell it. The king used solicitations, offered to build him a mill in a better place, and to pay him besides any sum which he might demand; but the obstinate miller still persisted in his determination to preserve the inheritance of his ancestors. The king irritated at his resistance, sent for him, and said in an angry tone, "Why do you refuse to sell your mill, notwithstanding all the advantages which I have offered you?" The miller repeated his reason. "Do you know," continued the king, "that I could take it without giving you a farthing?" "Yes," replied the miller, "if it were not for the chamber of justice at Berlin." The king was extremely flattered with this answer, which showed that he was incapable of an act of injustice. He dismissed the miller without further entreaty, and changed the plan of his gardens.

ARNOLD THE MILLER.

A miller, of the name of John Michael Arnold, bought the lease of a mill belonging to the estate of Count Schmettau, of

Pommerzig, situated in the New Marche of Brandenburg, near the city of Custrin. The mill, at the time when Arnold bought the lease of it, was plentifully supplied with water, by a rivulet which empties itself into the river Warta. During six years, Arnold made several improvements in the mill, and paid the rent regularly; but at the end of that period, the proprietor resolving to enlarge a fish-pond contiguous to his seat, caused a canal to be cut from the rivulet, by which means the stream was lessened, and the quantity of water so much diminished, that the mill could only work during two or three weeks in spring, and about as many in autumn.

The miller remonstrated, but in vain; and when he sought redress in a court of judicature at Custrin, his lord, being a man of fortune and influence, found means to frustrate his endeavors to obtain justice. Under these circumstances the miller could no longer procure his livelihood, and pay his rent. The miller's lease, utensils, goods and chattels, were seized to pay the arrears of rent, and the expenses of a most iniquitous law suit commenced by the proprietor, and thus poor Arnold and his family were reduced to want and wretchedness.

A flagrant injustice like this could not pass unnoticed by some friends to humanity, who well knew the benevolent and equitable intentions of their sovereign, Frederick the Great. They advised and assisted the miller to lay his case before the king; who, struck with the simplicity of the narrative, and the injustice that had apparently been committed, resolved to inquire minutely into the affair, and if the miller's assertions were true, to punish in an exemplary manner the authors and promoters of such an unjust sentence.

The most rigid inquiries were immediately instituted, and his majesty was soon convinced that the sentence against the miller was an act of the most singular injustice and oppression. He then ordered his High Chancellor, Baron Furst, and the three counsellors who had signed the sentence, into his cabinet, and on their arrival he put the following questions to them:

1.—When a lord takes from a peasant who rents a piece of ground under him, his waggon, horse, plough, and other utensils, by which he earns his living, and is thereby prevented from paying his rent, can a sentence of distress, in justice, be pronounced against that peasant?

They all answered in the negative.

2.—Can a like sentence be pronounced upon a miller for non-payment of rent for a mill, after the water which used to turn his mill is wilfully taken from him, by the proprietor of his mill?

They also answered this question in the negative.

“Then,” said the king, “you have yourselves acknowledged the injustice you have committed,” and he immediately stated the case of the miller, and ordered the sentence, with their respective signatures, to be laid before him. The king ordered his private secretary to read the resolutions which he had dictated to him, and signed; in which he declared the sentence against the miller, to be an act of singular injustice, and one which he was determined to punish. “For,” said his majesty, “the judges are to consider, that the meanest peasant, nay, even the beggar, is a man as well as the king, and consequently equally entitled to impartial justice; as in the presence of justice all are equal, whether it be a prince who brings a complaint against a peasant, or a peasant who prefers one against a prince; in similar cases justice should act uniformly, without any respect to rank or person. This ought to be an universal rule for the conduct of judges; for an unjust magistrate, or a court of law, guilty of wrong, and subservient to oppression, is more dangerous than a band of robbers against whom any man may be on his guard; but bad men, entrusted with authority, who, under the cloak of justice practise their iniquities, are not so easily guarded against; they are the worst of villains, and deserve double punishment.”

The king then dismissed his chancellor, and commanded the three counsellors, who with him had signed the iniquitous sentence, to be committed to prison. The president, judges, and counsellors at Custrin, were also arrested, and a commission appointed to proceed against them according to law. And in consideration of the injustice, the king presented the miller, Arnold, with the sum of fifteen hundred rix dollars. He also ordered that a sum equal to that produced by the sale of the miller's effects, be stopped, and paid to him, from the salaries due to the respective judges, &c. who had any share in the unjust sentence; and moreover condemned the proprietor of the mill to reimburse to the miller all the rent he had received from the time when he first opened the canal.

SINGULAR DETECTIONS.

The temple of Juno at Sparta was once robbed, and an empty flagon found, which had been left by the robbers. Much conjecture arose among the crowds who resorted to the temple, on the circumstance being known, when one man affecting to be wiser than the rest, said, his opinion, respecting the flagon, was, that the robbers had first drank the juice of hemlock before they entered the temple, and had brought wine with them in the flagon, to drink in case they escaped being caught in the fact, wine being known to counteract the effect of the poison; but that should they be taken and suffer the hemlock to operate, they might die an easy death, rather than suffer the execution of the law. The company on hearing this, shrewdly inferred, that such an ingenious device could not come from one that barely suspected the matter, but from actual knowledge of the circumstance. Upon this they crowded about him, and inquired who he was, whence he came, who knew him, and how he had come to the knowledge he had stated. His answers were equivocal, and being closely pressed, he at last confessed that he was one of the men that had committed the sacrilege.

At Delft, a servant girl was accused of being accessory to the robbery of her master's house on a Sunday, when the family were gone to church. She was condemned on circumstantial evidence, and suffered the severe punishment allotted by the laws of Holland to servants who rob their masters. Her conduct whilst confined was so exemplary, and her conduct had stood so fair previous to the imputed offence, that her master not only interceded to shorten her imprisonment, but received her again into his service.

Some time had elapsed after her release when a circumstance occurred which led to the detection of the real criminal, and consequently to the complete vindication of her innocence.

It happened as she was passing through the butcher's market at Delft, that one of them, tapping her on the shoulder, whispered in her ear some words of very remarkable import. She instantly recollected having used these very words on the fatal Sunday of the robbery, for which she had suffered, while she was surveying herself in a glass in her dressing room, and when as she supposed no one was near. With a palpitating heart she hastened to her master, and told him

what had occurred. He was a magistrate, and immediately instituted an inquiry into the circumstances of the suspected person, from which it appeared that he had suddenly got up in the world subsequent to the robbery, nobody could tell how. This circumstance was deemed sufficient to justify a search being made, and the measures of the police were so arranged, that it was made at one and the same time in his own house, and that of his nearest kindred. The result was, that various articles which had been stolen from the magistrate's house, at the time the maid servant had been accused, were found and taken away.

It seems that the robber had concealed himself in the turf-solder, or garret where the turf was stowed away, adjoining which was the servant's chamber; and whilst the poor girl was dressing, the villain overheard the words which led to his detection, effected the robbery, and got off unperceived.

He was broken alive upon the rack, and the city gave a handsome portion to the sufferer, by way of compensation for the wrongs she had suffered.

In November, 1816, a gentleman applied at a store in Philadelphia for permission to leave his trunk in the store during the night, saying that it contained a quantity of valuable dry goods, and that the waggon which was to take it to the westward would not be ready till the next day, when he would send for it. The store-keeper consented, and the trunk was deposited in the store. During the night, a neighbor opposite observed a light in the store; which being an unusual thing, communicated the circumstance to the owner early in the morning.

Suspicious being thus excited, officers were sent for, and after a strict search throughout the store, no thief could be discovered, but several articles of merchandize were missing. It was at length deemed expedient to examine the stranger's trunk, when lo! the nightly visitor was found enveloped in the stolen goods!!

Two men called soon after for the trunk, who were soon apprehended, and the three were delivered over to the civil authority.

A follower of Pythagoras had bought a pair of shoes from a cobbler, for which he promised to pay him on a future day. He went with his money on the day appointed, but found

that the cobbler had in the interval departed this life. Without saying any thing of his errand, he withdrew, secretly rejoicing at the opportunity thus unexpectedly afforded him of gaining a pair of shoes for nothing. His conscience, however, says Seneca, would not suffer him to remain quiet under such an act of injustice ; so, taking up the money, he returned to the cobbler's shop, and casting in the money, said, "Go thy ways, for though he is dead to all the world besides, yet he is alive to me."

The following story is related on the authority of Lady Hamilton, the first wife of Sir William Hamilton, many years the British Minister at the Court of Naples.

About the year 1748, a person of the name of Ogilvie, an Irishman by birth, who practised surgery with great reputation at Rome, and who resided not far from the Piazza do Spagna, in that city, being in bed, was called up to attend some strangers, who demanded his professional assistance. They stopped before his house in a coach ; and on his going to his door he found two men masked, by whom he was desired to accompany them immediately, as the case which brought them admitted of no delay. He complied, and got into the coach ; but no sooner had they quitted the street in which he resided, than they informed him he must submit to have his eyes bandaged ; the person to whom they were about to conduct him, being a lady of rank, whose name and place of abode it was indispensable to conceal. To this requisition he likewise submitted ; and after driving through a number of streets, apparently with a view to prevent his forming any accurate idea of the part of the city to which he was conducted, the carriage at length stopped. The two gentlemen, his companions, then alighting, and each taking him by the arm, conducted him into a house. Ascending a narrow stair-case, they entered an apartment, where he was released from the bandage tied over his eyes. One of them next acquainted him, that it being necessary to put out of life a lady who had dishonored her family, they had chosen him to perform the office, knowing his personal skill ; that he would find her in the adjoining room, prepared to submit to her fate : a service, for the execution of which he should receive a liberal recompence.

Ogilvie at first peremptorily refused to commit an act so highly repugnant to his feelings ; but the two strangers assu-

red him, with solemn denunciations of vengeance, that his refusal could only prove fatal to himself, without affording the slightest assistance to the object of his compassion; that her doom was irrevocable, and that unless he chose to participate a similar fate, he must submit to execute the office imposed on him. Thus situated, and finding all entreaty or remonstrance vain, he entered the room, where he found a lady of a most interesting figure and appearance, apparently in the bloom of youth. She was habited in a loose undress; and immediately afterwards a female attendant placed before her a large tub filled with warm water, in which she immersed her legs. Far from imposing any impediment to the act which she knew he was sent to perform, the lady assured him of her perfect resignation; entreating him to put the sentence executed on her into execution, with as little delay as possible. She added, that she was well aware no pardon could be hoped for from those who had devoted her to death, which alone could expiate her trespass; felicitating herself that his humanity would abbreviate her sufferings, and soon terminate their duration.

After a short conflict with his own mind, perceiving no means of extrication or escape either for the lady, or for himself; being moreover urged to expedite his work by the persons without, who, impatient at his reluctance, threatened to exercise violence on him, if he procrastinated; Ogilvie took out his lancet, opened her veins, and bled her to death in a short time. The gentlemen, having carefully examined the body, in order to ascertain that she was no more, after expressing their satisfaction, offered him a purse of zechins, as a remuneration; but he declined all recompense, only requesting to be conveyed from a scene on which he could not reflect without horror. With this entreaty they complied, and having again applied a bandage to his eyes, they led him down the same stair-case to the carriage. But it being narrow, in descending the steps, he contrived to leave on one or both of the walls, unperceived by his conductors, the marks of his fingers, which were stained with blood. After observing precautions similar to those used in bringing him thither, he was conducted home, and at parting, the two masques charged him, if he valued his life, never to divulge, and if possible, never to think on the past transaction. They added, that if he should embrace any measures, with a view to render it public, or to set on foot any inquiry into it, he should

be infallibly immolated to their revenge. Having dismissed him at his own door, they drove off, leaving him to his reflections.

On the subsequent morning, after great irresolution, he determined, at whatever risk to his personal safety, not to participate, by concealing so enormous a crime. It formed, nevertheless, a delicate and difficult undertaking to substantiate the charge, as he remained altogether ignorant of the place to which he had been carried, or of the name and quality of the lady whom he had deprived of life. Without suffering himself, however, to be deterred by those considerations, he waited on the Secretary of the Apostolic Chamber, and acquainted him with every particular; and adding, that if the government would extend to him protection, he did not despair of finding the house, and of bringing to light the perpetrators of the deed. Benedict the Fourteenth, (Lambertini) who then occupied the papal chair, had no sooner received the information, than he immediately commenced the most active measures for discovering the offenders. A guard of the *spirri*, or officers of justice, was appointed by his order, to accompany Ogilvie; who judging from various circumstances, that he had been conveyed out of the city of Rome, began by visiting the villas scattered without the walls of that metropolis. His search proved ultimately successful. In the Villa Pona Julio, constructed by Pope Julius the Third, (del Monte) they found the bloody marks, left on the walls by his fingers, at the same time that he recognized the apartment in which he had put to death the lady. The palace belonged to the Duke de Bracciano, the chief of which illustrious family, and his brother, had committed the murder in the person of their own sister. They no sooner found that it was discovered than they fled to Naples, where they easily eluded the pursuit of justice. After remaining here for some time, they obtained a pardon, by the exertions of their powerful friends, on payment of a considerable fine to the Apostolic Chamber, and under the further condition of affixing over the chimney-piece of the room, where the crime had been perpetrated, a plate of copper, commemorating the transaction, and their penitence. This plate, together with the inscription, still continued to exist there till within a few years.

A cunning contrivance to save a malefactor on his trial.

A highwayman, who some years past robbed three gentlemen who were travelling together in a stage coach, was soon after, upon strong circumstances, apprehended as the person who had committed the robbery, and sent to gaol; where dreading his approaching fate, he grew very pensive. He had not been many days in prison, before a fellow-prisoner, who had marked his extreme dejection of spirits, addressed him in the following terms: "How now, fellow-prisoner, why do you continually wear that cloud upon your brow?" To which the poor fellow, in a melancholy tone of voice, replied, that he thought the expectation of the gallows, which always seemed before his eyes since he had been wicked enough to commit the crime which brought him to that horrid place, and for which he was fully persuaded he should be hanged, was sufficient cause to make any man look sorrowful. "Pho, (quoth the other prisoner) if that is all, cheer up man; if you will come down handsomely, I will engage to get you off this bout." "I thank you, friend, (replied the other) but I believe that to be impossible: the proof is too strong against me; nor do I think that I can have impudence enough even to deny the fact," (for he was not a hardened villain, this being the first robbery he had committed.) "Nay, (replied the other with an oath) if you have not the courage to deny it, I have nothing more to say to you." The other then entreated to know by what means he could give him hopes of saving his life. "No, no, (returned he) my secret I will not divulge; but no cure no pay. If you will agree to reward me, I will engage to bring you off this bout; and if my scheme should miscarry, you can but be hanged at last, you know." "Well, (said the robber) I have two hundred pounds; one of which, if you save my life, shall be yours."— "Agreed, (said the other) and now all you have to do is to tell me every particular word, &c. that passed at the time you committed the robbery; and when you are brought to the bar, to plead *not guilty*, and leave the rest to me." Though the highwayman received but little hopes from this scheme, he related every word and circumstance that he could recollect had passed between the gentlemen and himself, of which this arch blade made no small advantage.

At the assizes, when the highwayman was brought to the bar to take his trial, and the usual question was put to him, *Guilty, or not guilty?* he pleaded *not guilty*. Just at this

time there was heard a great bustle among the prisoners; which being loud enough to disturb the court, the gaol-keeper was called upon to explain the reason of the disturbance; who replied, that one of the prisoners said he had somewhat of the utmost importance to say to the judge, who immediately ordered him to the bar, and asked him what was his reason for disturbing the court with his clamour? He then assuming a piteous countenance, told his lordship, that though he had been a very wicked fellow, his conscience would not permit him to let an innocent man suffer for a crime that he himself had committed. Upon which the gentlemen who were prosecutors seemed greatly disconcerted. He then addressed himself to them, and repeated every word that had passed between them at the time he had robbed them, and had the impudence to exhort them to take care for the future how they swore an innocent man's life away. The gentlemen stood reproved on this avowal of his crime—the real culprit was acquitted, and the other commanded back to prison till a bill of indictment was found against him. The real criminal was punctual to his promise to his preserver, and then made off with full speed.

When the supposed culprit's trial came on, and he was put to the bar, to the astonishment of the whole court he pleaded *not guilty*; for which he was severely reproved by the judge, who asked him how he durst to have the effrontery to presume to deny a fact to which he had pleaded *guilty* at that bar.—To which he, with great composure, replied, that he not only denied the fact, but could immediately prove his innocence not only to the satisfaction of his lordship, but to the whole court; adding, that he could prove an *alibi* at the time the robbery was committed. "How will you prove this?" said the judge. "Your gaoler shall prove it for me—if your lordship will be pleased to order him to look over his list of prisoners, he will find that I was in prison at the time the robbery was committed." On the gaoler's examining his books, he found, to his no small mortification, that this fellow was brought into prison the day before the robbery was committed. For his neglect, in not examining his books, he was very near losing his employment.

A young lady, named D'Aumont, was executed in the city of Lyons for the supposed murder of her uncle, the Chevalier de la Poutone, with whom she lived in the most affec-

tionate harmony from her infant years. Having conceived a passion for a deserving young officer, who was quartered in the town, and between whom and the young lady a mutual affection subsisted, she came to a determination of eloping with him unknown to her uncle, and only admitted one female servant to her confidence. It unfortunately happened that this woman was leagued with a private soldier, who meditated the plan of murdering the Chevalier with a view of plundering the house on the night of the intended elopement, in order that the unhappy niece should be adjudged the perpetrator of the horrid deed, which was accordingly effected with every degree of barbarity. The young lady and the officer were immediately pursued, taken and committed to prison. The former was tried and executed on the false evidence of the female servant : and the latter was cashiered, and condemned to the gallies for life.

Some time after, the servant being taken ill, threatened to divulge the whole matter before a magistrate ; to prevent which, the soldier who had married her, put an end to his wife's existence : but at length feeling sincere remorse for these repeated murders, he voluntarily surrendered himself up to justice, confessed the whole affair, and was publicly executed amidst the execration of the enraged multitude.

What adds to the dreadful recital is, that the young lady was not less remarkable for her beauty than her unaffected piety. A broken heart soon terminated the miserable existence of the wretched officer, who died in six weeks after the most amiable sufferer, in the most excruciating tortures.

A brief account of the following transaction is to be found on page 52d ; but having since obtained a full statement, I have thought proper to insert it at full length.

In the reign of Queen Elizabeth, a person was arraigned before Sir James Dyer, Lord Chief Justice of Common Pleas, upon an indictment for the murder of a man who dwelt in the same parish with the prisoner.

The first witness against him deposed, that on a certain day, mentioned by the witness, in the morning, as he was going through a close, which he particularly described, at some distance from the path, he saw a person lying dead, and that two wounds appeared in his breast, and his shirt and clothes were much stained with blood ; that the wounds appeared to the witness to have been made by the puncture of a fork or

some such instrument, and looking about he discovered a fork lying near the corpse, which he took up, and observed it to be marked with the initials of the prisoner's name; here the witness produced the fork in court, which the prisoner owned to be his.

The prisoner waived asking the witness any questions.

A second witness deposed, that on the morning of the day on which the deceased was killed, the witness had risen very early with an intention of going to a neighboring market town, which he mentioned; that as he was standing in the entry of his own dwelling-house, the street door being open, he saw the prisoner come by, dressed in a suit of clothes, the colour and fashion of which he described; that he (the witness) was prevented from going to market, and that afterwards the first witness brought notice to the town of the death and wounds of the deceased, and of the prisoner's fork being found near the corpse; that upon this report the prisoner was apprehended, and carried before a justice of the peace; that he, the witness, followed the prisoner to the justice's house, and attended the examination, during which he observed the exchange of clothes the prisoner had made since the time he had seen him in the morning; that on the witness' charging him with having changed his clothes, he gave several shuffling answers, and would have denied it; that upon witness' mentioning this circumstance of change of dress, the justice granted a warrant to search the prisoner's house for the clothes described by the witness as having been put off since the morning; that this witness attended and assisted at the search; that after a nice search of two hours and upwards, the very clothes the witness had described, were discovered concealed in a straw-bed. He then produced the bloody clothes in court, which the prisoner owned to be his clothes, and to have been thrust in the straw-bed with the intention to conceal them on the account of their being bloody.

The prisoner also waived asking this second witness any questions.

A third witness deposed to his having heard the prisoner deliver certain menaces against the deceased, whence the prosecutor intended to infer a proof of *malice prepense*. In answer to this the prisoner proposed certain questions to the court, leading to a discovery of the occasion of the menacing expressions deposed to; and from the witness' answer to those

questions, it appeared that the deceased had first menaced the prisoner.

The prisoner being called upon for his defence, addressed the following narration to the court, as containing all he knew concerning the manner and circumstances of the death of the deceased: "He rented a close in the same parish with the deceased, and the deceased rented another close adjoining it; the only way to his own close was through that of the deceased; and on the day the murder in the indictment was said to be committed, he rose early in the morning, in order to go to work in his close with his fork in his hand, and passing thro' the deceased's ground, he observed a man at some distance from the path, lying down as if dead or drunk. he thought himself bound to see what condition the person was in; and on getting up to him he found him at the last extremity, with two wounds in his breast, from which much blood had issued. In order to relieve him, he raised him up, and with great difficulty set him on his lap; he told the deceased he was greatly concerned at his unhappy fate, and the more so as there appeared reason to think he had been murdered. He entreated the deceased to discover if possible who it was, assuring him he would do his best endeavors to bring him to justice. The deceased seemed to be sensible of what he said, and in the midst of his agonies attempted to speak to him, but was seized with a rattling in his throat, gave a hard struggle, then a dreadful groan, and vomiting a deal of blood, some of which fell on his (the prisoner's) clothes, he expired in his arms. The shock he felt on account of this accident was not to be expressed, and the rather as it was well known that there had been a difference between the deceased and himself, on which account he might possibly be suspected of the murder. He therefore thought it advisable to leave the deceased in the condition he was, and take no farther notice of the matter; in the confusion he was in when he left the place, he took the deceased's fork away instead of his own, which was by the side of the corpse. Being obliged to go to his work, he thought it best to shift his clothes, and that they might not be seen, he confessed that he had hid them in the place where they were found. It was true he had denied before the justice that he had changed his clothes, being conscious this was an ugly circumstance that might be urged against him, being unwilling to be brought into trouble if he could help it. He concluded his story with a most solemn

declaration, that he had related nothing but the exact truth, without adding or diminishing one tittle, as he should answer for it to God Almighty."

Being then called upon to produce his witnesses, the prisoner answered with a steady, composed countenance, and resolution of voice, "*He had no witnesses but God and his own conscience.*"

The judge then proceeded to deliver his charge, in which he pathetically enlarged on the heinousness of the crime, and laid great stress on the force of the evidence, which, although *circumstantial only*, he declared he thought to be irresistible, and little inferior to the most positive proof. The prisoner had indeed cooked up a very plausible story; but if such or the like allegations were to be admitted in a case of this kind, no murderer would ever be brought to justice, such deeds being generally perpetrated in the dark, and with the greatest secrecy. The present case was exempted in his opinion from all possibility of doubt, and they ought not to hesitate one moment about finding the prisoner guilty.

The foreman begged of his lordship, as this was a case of life and death, that the jury might withdraw; and upon this motion, an officer was sworn to keep the jury locked up.

This trial came on the first in the morning, and the judge having sat till nine at night expecting the return of the jury, at last sent an officer to inquire if they were agreed on their verdict. Some of them returned for answer, that eleven of their body had been of the same mind from the first, but that it was their misfortune to have a foreman, who, having taken up a different opinion from them, was unalterably fixed in it. The messenger had no sooner gone, than the complaining members, alarmed at the thought of being kept under confinement all night, and despairing of bringing their dissenting brother over to their own way of thinking, agreed to accede to his opinion, and having acquainted him with their resolution, they sent an officer to detain his lordship a few minutes, and then went into court, and by their foreman brought in the prisoner *not guilty*.

His lordship could not help expressing the greatest surprise and indignation at this unexpected verdict; and after giving the jury a severe admonition, he refused to record the verdict, and sent them back again with directions that they should be locked up all night without *fire or candle*. The whole blame was publicly laid on the foreman by the rest of

the members, and they spent the night in loading him with reflections, and bewailing their unhappy fate in being associated with so hardened a wretch. But he remained inflexible, constantly declaring he would suffer death rather than change his opinion.

As soon as his lordship came into court next morning he sent again to the jury, on which the eleven members joined in requesting their foreman to go into court, assuring him they would abide by their former verdict whatever was the consequence; and on being reproached with their former inconstancy, they promised never to desert or recriminate upon their foreman any more.

Upon these assurances they proceeded again into court, and again brought in the prisoner *not guilty*. The judge, unable to conceal his rage at a verdict which appeared to him in the most iniquitous light, reproached them severely, and dismissed them with the cutting reflection, "*That the blood of the deceased lay at their doors.*"

The prisoner on his part fell down on his knees, and with uplifted eyes and hands to God, thanked him most devoutly for his deliverance; and addressing himself to the judge, cried out, "*You see, my lord, that God and a good conscience are the best witnesses.*"

The circumstance made a deep impression on the mind of the judge; and as soon as he had retired from court, he entered into conversation with the high sheriff upon what had passed, and particularly examined him as to his knowledge of the foreman of the jury. The high sheriff answered his lordship that he had been acquainted with him many years; that he had a freehold estate of his own of above £50 a year; and that he rented a very considerable farm besides; that he never knew him charged with an ill action, and that he was universally beloved and esteemed in his neighborhood.

For further information, his lordship sent for the minister of the parish, who gave the same favorable account of his parishioner, with this addition, that he was a constant churchman, and a devout communicant.

These accounts increased his lordship's perplexity, from which he could think of no expedient to deliver himself, but by having a conference in private with the only person who could give him satisfaction; this he requested the sheriff to procure, who readily offered his service, and without delay brought about the desired interview.

Upon the foreman of the jury being introduced to the judge, his lordship retired with him into a closet, where his lordship opened his reasons for desiring that visit, making no scruple of acknowledging the uneasiness he was under on account of the verdict, and conjuring his visitor frankly to discover his reasons for acquitting the prisoner. The juryman returned for answer, that he had sufficient reasons to justify his conduct, and that he was neither ashamed nor afraid to reveal them; but as he had hitherto locked them up in his own breast and was under no compulsion to disclose them, he expected his lordship would engage upon his honor to keep what he was about to unfold to him, a secret, as he himself had done. His lordship having done so, the juryman proceeded to give his lordship the following account: "The deceased being the tithe-man where he (the juryman) lived, he had the morning of his decease been in his (the juryman's) grounds, amongst his corn, and had done him great injustice by taking more than his due, and acting otherwise in a most arbitrary manner. When he complained of this treatment, he had not only been abused with scurrilous language, but the deceased had struck at him several times with his fork, and had actually wounded him in two places, the scars of which wounds he then showed his lordship. The deceased seemed bent on mischief, and the juryman having no weapon to defend himself, had no other way to preserve his own life but by closing in with the deceased, and wrenching the fork out of his hands; which having effected, the deceased attempted to recover the fork, and in the scuffle received the two wounds which had occasioned his death. The juryman was inexpressibly concerned at the accident which occasioned the man's death, and especially when the prisoner was taken up on suspicion of the murder. But the assizes being just over, he was unwilling to surrender himself and to confess the matter, because his farm and affairs would have been ruined by lying so long in gaol. He was sure to have been acquitted on his trial, for he had consulted the ablest lawyers upon the case, who all agreed that, as the deceased had been the aggressor, he could only have been guilty of manslaughter at most. It was true, he had suffered greatly in his own mind on the prisoner's account; but being well assured that imprisonment would be of less consequence to the prisoner than to himself, he had suffered the law to take its course. In order, however, to render the prisoner's confinement as easy to him as possible,

he had given him every kind of assistance, and had wholly supported his family ever since. And, to get him clear of the charge laid against him, he had procured himself to be summoned on the jury, and set at the head of them; having all along determined in his own breast rather to die himself, than to suffer any harm to be done to the prisoner."

His lordship expressed great satisfaction at this account; and after thanking the farmer for it, and making this further stipulation, that in case his lordship should survive him, he might then be at liberty to relate this fact, that it might be delivered down to posterity, the conference broke up.

The juryman lived fifteen years afterward; the judge inquired after him every year, and happening to survive him, delivered the above relation.

CONSTRUCTIVE TREASON.

However justly the severity of the English laws may be complained of, there is one branch of them which has been much narrowed, that respecting the crime of high treason, which no longer includes the printing or publishing of malicious or slanderous libels. The last person who suffered for high treason of this kind, was William Anderton, a printer, who was tried in the fifth year of William and Mary. Poor Anderton, it was afterwards proved, was innocent; and the person who actually printed and published the book for which he had been cast and executed, was soon after tried, and also condemned. The principal witness against Anderton, was an infamous fellow of the name of Stephens, whose evidence would not, at the present day, have been received.

The Chief Justice, Treby, in summing up, did every thing to convict the prisoner, whom he accused of being an ill-minded and disaffected person; and then he quoted, as precedents, the cases of Sir John Oldcastle and Lord Cobham, who lived almost a century before printing was introduced.

The jury having retired to consider of a verdict, were, after two hours debate, most of them inclined to acquit the prisoner; but there was "one amongst them who loved mischief, and was for hanging men for being Jacobites, not for being guilty. This man afterwards acknowledged, that the evidence did not amount to proof of the fact; but, said he, 'What of that? I believe he was guilty; and I will hang a hundred of them on half so much evidence.'"

When the jury returned, and were asked whether they

were agreed in the verdict, one of them answered, "No;" on which the court frowned, and appeared much displeased. The foreman of the jury then put this question to the bench: "Whether the having these libels in his possession, without making any further use of them, did affect the prisoner as to life?" This question, though very pertinent, was not very pleasing; and after some frowning and pouting, the court answered, "No;" but added, that was not the business of the jury, who were to find the printing, which was a sufficient overt act.

A Juryman. My lord, our foreman is of opinion this fact is not proved.

Court. Whether it be proved or not, you ought not to determine; the bare finding the books in his custody would not be treason; but the case is, gentlemen, here is a man that has a printing press, to which no man has admission but himself; and this man is found with an errata, so that he must needs print the treason.

A Juryman. It is a very strong presumption, my lord.

Baron Powell. A violent presumption is as much as if a man had been there, and done it himself.

The jury were then sent back; and after three hours deliberation, brought in a verdict of *guilty*, to the satisfaction of the court, who told them that they were good and honest men.

PATRICK HENRY.

When Patrick Henry, who gave the first impulse to the ball of the American Revolution, introduced his celebrated resolution on the stamp act into the House of Burgesses of Virginia, May 1765, he exclaimed, when descanting on the tyranny of the obnoxious act, "Cesar had his Brutus, Charles the first his Cromwell, and George the Third —" 'Treason!' cried the speaker; 'treason! treason!' echoed from every part of the house. It was one of those trying moments which are decisive of character. Henry faltered not for an instant, but rising to a loftier attitude, and fixing on the speaker an eye flashing with fire, continued, "*may profit by their example.* If this be treason, make the most of it."

RETURNING A FEE.

Some years ago, an unsuccessful candidate for the borough of Berwick upon Tweed, preferred a petition to the House of

Commons, and retained an eminent counsel with a fee of fifty guineas. Just before the business was about to come before the House, the barrister who had in the interval changed his political sentiments, declined to plead. The candidate immediately waited on his advocate, mildly expostulated and remonstrated, but all in vain; he would not by any means consent either to plead or return the money; adding, with a sneer of professional insolence, that the law was open, and he might have recourse to it if he felt himself injured. "No, no, sir," replied the spirited client, "I was weak enough to give you a fee, but I am not quite fool enough to go to law with you, as I perceive my whole fortune may be wasted in retaining fees alone, before I find one honest barrister to plead for me. I have therefore brought my advocate in my pocket!" Then taking out a brace of pistols, he offered one to the astonished counsellor; and protested that before he quitted the room, he would either have his money or satisfaction. The money was accordingly returned, but for want of so able an advocate, the justice of his cause did not prevent his losing it.

INGENUITY BAFFLED.

A Dutch farmer who had more honesty than wit, sold a milch cow to a swindler, who gave him a promissory note for the purchase money, payable on St. Yetemos day, a cant phrase in Holland, answering to the Latter Lammas in England, or as the school-boys say, the Christmas that never comes. Sometime after, a friend of the farmer, who possessed more shrewdness, on seeing this, explained to him how he was over-reached, and advised him to bring an action for the debt, and entrusted the management of the business to a celebrated lawyer, Mynheer Ploos Van Amstel, who was never known to lose a cause, however intricate. This advice was followed, and the cause was brought into court. M. Van Amstel enforced his client's claim with his usual eloquence, but in vain; the day of payment was indefinite; there was no such Saint in the Calendar. "Nay then," replied the lawyer, "justice will surely prompt the court to order the payment on All Saints Day, when St. Yetemos must be included among the rest." This ingenious defence also failed. The Amsterdam Judges were by some fatality on that day equally deaf to Van Amstel's arguments and his humour, and for the first time in his life he lost his cause.

FINESSE.

Some workmen in Italy being on the point of hurling a stone from the roof of a house, called out to the persons passing to take care. A man going by, and neglecting the caution, was wounded by the fall of a stone; and summoning the workmen into a court of law, demanded damages. Pylæus, a lawyer of much eminence in the twelfth century, was employed as counsel for the workmen; and finding that there was no possibility of procuring evidence that his clients had called out to the passers by, he advised them how to act accordingly. When the trial came on, and they were interrogated by the judge, and asked why they had hurled down the stone so carelessly, they made no answer. The judge repeated his question, but still they were silent. The judge appearing astonished at this, Pylæus informed him that his clients were unhappily deaf and dumb. "Nay," exclaimed the plaintiff, "that never can be, for I heard these very men cry out to every body to take care." "If so," said Pylæus, "I have proved what was necessary; no damages can be awarded, and they must be acquitted."

PASSING SENTENCE.

A fellow in Dublin had once committed some trifling offence, for which the judge pronounced the following sentence:

Judge. "The sentence of the court is, that you shall be flogged from the Bank to the Quay."

Prisoner, hastily interrupting the judge, "Thank you, my lord, you have done your worst."

Judge. "No—and back again."

A circumstance of a similar nature took place at the Leeds Borough Sessions in April, 1818. As soon as the court had pronounced the sentence of transportation for seven years upon a man of the name of Uitley, the prisoner, with hardened assurance, exclaimed, "I wish you may all sit there till I come back again!" On this, the court directed that he should, in addition to his other sentence, be flogged.

In these cases the exercise of the judicial discretion seems to have been far enough; but what shall we say to the following?

A prisoner of the name of Hopwood was convicted at the Salisbury Assizes for stealing a sack of oats, and sentenced by Mr. Justice Park to eighteen months imprisonment and

hard labor; but immediately, on the sentence being pronounced, he had the effrontery (as the report says) to direct an impertinent question to his lordship respecting the *wages* for his hard labor, which he wished to know how he was to recover. The learned judge instantly ordered his sentence not to be recorded, and ordered it to seven years' transportation.

It appears by this statement, that although eighteen months imprisonment was considered an adequate punishment for that transgression of the public law upon which the man was arraigned, yet for the offence of making an *impertinent remark* to a judge, the criminality of which is neither declared by statute, nor otherwise recognized among indictable delinquencies, the offender was sentenced to seven years' transportation. The crime of impertinence, if it be a crime, for which this very severe punishment was awarded, is surely not of so very dangerous a nature to society, as to require the hasty and heavy judgment with which it was visited on this occasion.

WINNING A LOSS.

In the canton of Schwitz, many years ago, a man named Frantz came one evening to Gaspard, who was working in his field, and said to him, "Friend, it is now mowing time; we have a difference about a meadow, you know, and I have got the judges to meet at Schwitz to determine the cause, since we cannot do it ourselves; so you must come with me before them to-morrow." "You see, Frantz," replied Gaspard, "that I have mown all this field; I must get in this hay to-morrow; I cannot possibly leave it." "And," rejoined Frantz, "I cannot send away the judges now they have fixed the day; and besides, one ought to know whom the field belongs to before it is mown." They disputed the matter some time; at length Gaspard said to Frantz, "I will tell you how it shall be; go to-morrow to Schwitz, tell the judges both your reasons and mine, and then there will be no need for me to go." "Well," said the other, "if you choose to trust your cause to me, I will manage it as if it were my own." Matters thus settled, Frantz went to Schwitz, and pleaded before the judges his own and Gaspard's cause as well as he could. When sentence was pronounced, Frantz returned to Gaspard, "Gaspard," said he, "the field is yours; I congratulate you, neighbor; the judges have decided for you, and I am glad the affair is finished." Frantz and Gaspard were friends ever after.

A highwayman, named Bolland, confined in Newgate, sent for a solicitor to know how he could defer his trial; and was answered, "by getting an apothecary to make affidavit of his illness." This was accordingly done in the following manner: "The deponent verily believes, that if the said James Bolland is obliged to take his trial at the ensuing sessions, he will be in imminent danger of his life." To which the learned judge on the bench answered, 'that he verily believed so too.' The trial was ordered to proceed immediately.

Colonel Davies, who fell in the battle of the Wabash, was a man of high character, a native of Kentucky. He was a lawyer whose character was tinged with those eccentricities that indicate future genius. There was a difficult question to decide before the court of Kentucky, involving an important question in regard to the title of an estate. The case embraced a long concatenation of facts and sundry technical niceties. When the case was called, a Kentucky hunter, with his musket and bird-bag, loaded with provisions, all equipped complete, entered the hall and took his seat among the lawyers. There was a grin on the faces of the lawyers, court, jury, and spectators. He, all unconscious, took out his provisions and began to eat with the most perfect composure.— The lawyer, on the side of the plaintiff, rose and made a long argument. Who answers for the defendant? inquired the court. I do, replied the hunter, and rising, broke forth into a torrent of eloquence that astonished the court and jury.— Away went the plaintiff, law and evidence; and so complete was the discomfiture, that the opposite counsel made a most pitiful reply. The jury found a verdict for the defendant without retiring from their seats. The court adjourned and invited the stranger to their lodgings. "No, I thank you gentlemen; and unless you will take a cold cut with me I must be gone." So saying, he shouldered his musket, and with great sang froid departed. Such a man was Col. Davies.

MISTAKING SIDES.

A Scottish advocate, who had drunk rather too freely, was called on unexpectedly to plead in a cause in which he had been retained. The lawyer mistook the party for whom he was engaged, and, to the great amazement of the agent who had feed him, and the absolute horror of the poor client who was in court, he delivered a long and fervent speech, directly

opposite to the interests he had been called upon to defend. Such was his zeal, that no whispered remonstrance, no jostling of the elbow, could stop him in his mistaken proceedings. But just as he was about to sit down, the trembling solicitor in a brief note informed him, that he had been pleading for the wrong party. This intimation, which would have disconcerted most men, had a very different effect on the advocate, who, with an air of infinite composure, resumed his oration. "Such, my lords," said he, "is the statement which you will probably hear from my learned brother on the opposite side in this cause. I shall now therefore beg leave, in a few words, to show your lordships how utterly untenable are the principles, and how distorted are the facts, upon which this very specious statement has proceeded." The learned gentleman then went over the whole ground, and did not take his seat until he had completely and energetically refuted the whole of his former pleading.

A NICE OBJECTION.

A lawyer, who some years ago was distinguished by the epithet of the very extraordinary special pleader, and was afterwards raised to the peerage, is said to have received the sum of £20,000 in one single cause, the defence of a young lady of rank, who was indicted for child murder. The principal evidence was a female accoucheur, who had been forcibly carried to the lady's house blind-folded. She swore that her guide forded a river *twice* in going to the house where her assistance was wanted; when, said the lawyer, it was known that there was but *one* straight river between the houses; and supposing the guide, in order to deceive the mid-wife, should have made a wheel round to pass it *again*, she must then have forded it a third time. The ingenuity of this remark so completely puzzled the jury, that they acquitted the prisoner without going out of court.

A FAIR CONDITION.

A ship freighted at Alexandria by some Turks, to bring them and their merchandize to Constantinople, met with a violent storm in the passage. The master told those freighters who were on board, that he could not save the ship; nor their lives, but by throwing overboard all the goods on the deck. They consented to the sacrifice, as well for themselves as for other freighters at Constantinople; but when

the ship arrived there, they united to prosecute the master for the value of the goods. The Moulah of Galata, before whom he was summoned, had the case fully represented to him, and his deputy as usual had the promise of a reward.

When the parties appeared, and the witnesses were examined, the Moulah reflected some time, took down his book, and gravely opened it—told them that the book declared, that the master should pay the true value of those very goods; that is, what the freighters could prove by witnesses, any one would give for them, or what they were really worth, on board the ship, at the very moment the master was constrained to throw them into the sea, as the only means by which he could save the lives of his passengers, amongst whom were the persons who now sued him.

The freighters ran out of court to seek witnesses; but the judge, who knew none could be procured, without farther hesitation gave his written decree in favor of the master.

BALANCE OF GOOD AND ILL.

The Persians held of old this very charitable maxim, that to be good, it was not necessary never to do amiss, but to do for the most part that which was right. When a person accordingly was accused of any breach of the laws, and even clearly proved to be guilty, they did not immediately condemn him to be punished, but proceeded to make a scrupulous inquiry into the whole course of his life, in order to see whether the good or evil actions in it predominated; if the good weighed heaviest in the scale, he was acquitted; and it was only if otherwise that he was condemned.

THE SLEEP OF INNOCENCE.

Titus Cælius was found murdered in his bed, and the only persons on whom suspicions of the crime rested, were two of his own sons, who slept in the same room. The brothers were arraigned for the crime; but it appearing from the evidence that when the mangled body was first discovered by some persons stepping into the chamber, both the sons were seen fast asleep on the bed adjoining, the judges ordered their acquittal. It was justly considered, that nature could not permit a man to sleep over the bleeding remains of a newly murdered father.

CORRUPT INFLUENCE.

The practice of privately influencing judges concerning causes before them, prevailed even in remote times of supposed simplicity. Hesiod, who had a troublesome law-suit with his brother Perseus, inveighs strongly against it; he calls the Bœotian judges, *devourers of presents*.

In England it was anciently the established usage, to pay fines for delaying proceedings, even affecting the defendant's life; at other times they were paid to expedite process, and to obtain right; and in some cases the parties litigant offered part of what they might recover to the crown, as a bribe for its favor. Madox mentions many instances of fines for "the king's favor," and particularly the dean of London's paying twenty marks to the king, that he might assist him against the bishop in a law-suit.

The county of Norfolk (always represented as a litigious county, in so much that the number of attorneys allowed to practise in it was limited by a statute of Henry VI. to eight) paid an annual composition at the Exchequer that it might be fairly dealt with.

Daniel asserts that the influence of Alice Pierce was so great that she used to sit on the bench with the judges in Westminster Hall, when she interested herself in a cause. She was forbidden by a writ of Edward III. from interfering under pain of banishment.

Charles II. in appeals to the House of Lords, used to go about whilst the cause was hearing, and solicit particular lords for appellant or respondent. The practice had indeed increased to a most shameful extent, just previous to the revolution; and all historians agree, that nothing gave deeper sensations of disgust, than the corrupt decisions which by such means were procured from the base and timid men who filled the seat of judgment.

Whitelocke in his memoirs, p. 13, says, "My father did often and highly complain against this way of sending to the judges for their opinion before hand; and said, that if Bishop Laud went on in this way, he would kindle a flame in the nation. How truly he predicted need not be told.

Dr. Donne, in his fifth satire, has the following witty allusion to the practice:

"Judges are gods; and he who made them so,
Meant not men should be forc'd to them to go
By means of *angels*."

The satirist here plays on the double sense of the word "angels," signifying both a coin, and a messenger.

In Scotland so shamelessly did they go about the work of corruption of old, that there is actually extant an order of the Court of Sessions, or Act of Sederunt, as they call it, which appoints the particular hour of the day, at which the judges may be solicited at their own houses!

Amidst the systematic corruption which we find prevailed before the revolution, some solitary instances of an opposite character are however to be met with, which would have done honor to the purest periods of our judicial history.

A nobleman of the first distinction went once to the chamber of Sir Matthew Hale, when Chief Baron of the Exchequer, and told him, "that having a suit in law to be tried before him, he had come to acquaint his lordship with it that he might the better understand the matter when it should come into court." Hale immediately interrupted him, and said, "he did not deal fairly to come to his chamber about such affairs; for he never received information of any causes but in open court where both parties were to be heard alike." The nobleman went away not a little dissatisfied, and complained to the king (Charles II.) of Judge Hale's conduct, as a rudeness that was not to be endured. His majesty desired him to be content that he had been used no worse, adding, "that he verily believed the baron would have used himself no better, had he gone to solicit him privately in any one of his own causes."

ERRONEOUS VERDICTS.

A circumstance happened at the Old Bailey sessions in 1777, which shows how cautious and well informed it is necessary a jury should be in the discharge of their duty. A young man was tried for a capital felony, and through the inexperience of the foreman, a verdict was returned to the extreme of the charge. When the convicts were brought up to receive sentence, the court was thrown into an alarm by the Middlesex jury, who declared that they had resolved to find the prisoner guilty merely of the felony in stealing the goods, the punishment for which would not take away his life; that when they were deliberating upon the evidence, so far were they from any intention of finding the prisoner guilty of the capital charge, that they observed among themselves he was a proper object for the ballast lighters. The record-

er endeavored to soften the rigor of the verdict, and to that purpose made a strict inquiry who was the cause of this egregious error; but it turned out that it belonged not to his province to comply with the compassionate wishes of the jury. The verdict was recorded, and the only method to save the poor fellow from the disgrace and horror of a violent death, was a petition from the jury to the king, which the recorder promised to deliver, and aid their attempt to mend the mistake. The prisoner seemed to be shocked exceedingly. When called upon to show cause why sentence should not be pronounced against him, he said, "I never imagined I was found guilty of a capital offence till I was fetched from the cell." The petition, we need not say, had the desired effect.

During the assizes at Oxford, some years ago, a man was tried for some felony; the judge had charged the jury, and called on the foreman, a decent farmer, for the verdict. While the judge turned his head to speak to some person on the bench, the foreman of the jury, who had not paid any attention to the evidence, or the judge's charge, asked a stranger, (the late Mr. Richard Lovell Edgworth,) who happened to sit behind him, what verdict he should give? Struck with the injustice and illegality of the procedure, Mr. Edgworth stood up, and addressed the judges, Wills and Smith—"My lord," said he—"Sit down, sir," said the judge.—"My lord, I request to be heard for a moment." The judge grew angry, and threatened to punish him for contempt of court if he persisted. By this time the eyes of the whole court were turned upon Mr. Edgworth, who feeling that he was in the right, still persevered. "My lord," said he, "I must lay a circumstance before you which has just happened." The judge still thinking that he had some complaint to make of a private nature, ordered the sheriff to remove him; but while he was doing this, Mr. Edgworth again addressed their lordships, and said, "My lords, you will commit me, if you think proper; but in the mean time I must declare, that the foreman of this jury is going to deliver an illegal verdict, and he has asked me, who am not of the jury, what verdict he ought to give." The judge then made an apology to Mr. Edgworth for his hastiness, adding a few words of strong approbation.

JUDGE HALE.

This most excellent lawyer and Judge, originally intended to follow the profession of arms; but was diverted from this design, by being engaged in a law-suit with Sir William Whitmore, who laid claim to part of his estate. Serjeant Glanville, who happened to be his counsel in the cause, being struck with the legal capacity which he displayed in their private consultations, persuaded him to turn lawyer; and he accordingly entered himself of Lincoln's Inn. In order to compensate for the time past, which he had lost in frivolous pursuits, he now studied at the rate of sixteen hours a day, and fell into habits of great inattention to his personal appearance. He is said, indeed, to have neglected his dress so much, that being a strong and well-built man, he was once taken by a press-gang, as a person very fit for sea service; a pleasant sort of mistake, which made him afterwards more attentive to the becomingness of his apparel.

He was called to the bar some time before the civil wars broke out, and soon rose to distinction; but observing how difficult it was to preserve his integrity, and yet live securely, he resolved, after the example of Pomponius Atticus, who lived in similar times, neither to engage in faction, nor to meddle at all in public business, but constantly to favor and relieve those who were lowest. He acquired thus, such a character for independence and spirit, that he became equally acceptable to both the great parties, into which the nation was then unhappily divided. He was one of the counsel to the Earl of Strafford, Archbishop Laud, and King Charles himself, on the one hand; and to the Duke of Hamilton, the Earl of Holland, Lord Capel and Lord Craven, on the other.

Cromwell, who was deeply sensible of the advantage it would be, to have the countenance of such a man as Hale to his courts, never ceased importuning him, till he accepted the place of one of the Justices of the *common* bench, as it was then called. In this station he acted with great integrity and courage; so much so indeed, that the Protector had soon occasion to regret the very earnest part he had taken in his promotion. In a case in the country, in which Cromwell himself was deeply concerned, Hale displayed a signal example of his uprightness. The Protector had ordered that certain persons, on whose subserviency he could trust, should be returned as a jury for the trial. On being informed of this, Hale examined the Sheriff, and having ascertained the fact,

referred to the statute, which ordered all juries to be returned by the Sheriff, or by his lawful officer; and as this had not been done, he dismissed the jury, and would not try the cause. Cromwell was highly displeased with him; and on his return from the circuit, told him in great anger, "that he was not fit to be a judge." Hale replied with great aptness of expression, "that it was very true."

PRINCE HENRY AND JUSTICE GASCOIGNE.

A favourite servant of King Henry V. when Prince of Wales, was indicted for a misdemeanor; and notwithstanding the interest he excited in his behalf, was convicted and condemned. The prince was so incensed at the issue of the trial, that forgetting his own dignity and the respect due to the administration of justice, he rushed into court, and commanded that his servant should be unfettered and set at liberty. The chief justice, Sir William Gascoigne, mildly reminded the prince of the reverence which was due to the ancient laws of the kingdom: and advised him, if he had any hope of exempting the culprit from the rigor of his sentence, to apply for the gracious pardon of the king, his father, a course of proceeding which would be no derogation to either law or justice. The prince, far from being appeased by this discreet answer, hastily turned towards the prisoner, and was attempting to take him by force out of the hands of the officers, when the chief justice, roused by so flagrant a contempt of authority, commanded the prince on his allegiance instantly to leave the prisoner and quit the court. Henry, all in a fury, stepped up to the judgment seat, with the intention, as every one thought, of doing some personal injury to the chief justice; but he quickly stopped short, awed by the majestic sternness which frowned from the brow of the judge as he thus addressed him: "Sir, remember yourself. I keep here the place of the king, your sovereign lord and father, to whom you owe double allegiance. In his name, therefore, I charge you to desist from your disobedience and unlawful enterprise, and henceforth give a better example to those who shall hereafter be your own subjects. And now, for the contempt and disobedience you have shown, I commit you to the prison of the King's Bench; there to remain until the pleasure of the king, your father, be known."

Henry, by this time, sensible of the insult he had offered the laws of his country, suffered himself to be quietly conduct-

ed to gaol by the officers of justice. His father, Henry IV. was no sooner informed of this transaction, than he exclaimed in a transport of joy, "Happy is the king who has a magistrate possessed of courage to execute the laws; and still more happy in having a son who will submit to the punishment inflicted for offending them."

The prince himself when he came to be king, speaking of Sir William Gascoigne, said, "I shall ever hold him worthy of his place, and of my favor; and I wish that all my judges may possess the like undaunted courage, to punish offenders of what rank soever."

JEW OUTWITTED.

A Jew ordered a French merchant in Morocco to furnish him with a considerable quantity of black beaver hats, green shawls, and red silk stockings. When the articles were ready for delivery, the Jew refused to receive them. Being brought before the emperor, who administers justice himself, he denied having given him the order, and maintained that he did not even know the French merchant. "Have you any witness?" said the emperor to the Frenchman. "No." "So much the worse for you; you should have taken care to have had witnesses; you may retire." The poor merchant, completely ruined, returned home in despair. He was however soon alarmed by a noise in the street; he ran to see what it was. A numerous multitude were following one of the emperor's officers, who was making the following proclamation at all the cross roads—"Every Jew, who within four-and-twenty hours after this proclamation, shall be found in the streets without a black beaver hat on his head, a green shawl round his neck, and red silk stockings on his legs, shall be immediately seized, and conveyed to the first court of our palace, to be there flogged to death." The children of Israel all thronged to the French merchant, and before evening, the articles were purchased at any price he chose to demand for them.

NOY.

The rise of Noy, Attorney General in the reign of Charles I. is not perhaps generally known to have originated in a case which is very well known, that of *the three graziers*. At a country fair, the three graziers had left their money with their hostess, while they went to transact their business. A

short time after, one of them returned, and under pretence that they had occasion for the whole money, received it from the hostess, and made his escape with it. The other two sued the woman for delivering that which she had received *from the three*, before *the three* came and demanded it. The cause was tried, and a verdict found against the defendant.

Mr. Noy, who was then making his first appearance at the bar, requested to be feed by the woman, saying, that he thought he could still bring her off. He then moved an arrest of judgment—stated that he was retained by the defendant, and that the case was this: The defendant had received the money from the three together, and was certainly *not to deliver it until the same three demanded it*. She asks for no other condition; *let the three men come, and it shall be paid*. This motion altered the whole course of proceeding; and, according to Lloyd, in his State Worthies, first brought Mr. Noy into notice.

COVETOUSNESS REQUIRED.

A counsellor, famed for his eloquence and covetousness; and who seldom considered the goodness of the cause that he undertook, provided that his client could pay him, was consulted by a notorious robber, who promised him a large reward, provided that he brought him off. The pleader managed his defence with so much ingenuity, that he saved the rogue from the gallows; and the client, to show his gratitude to his good friend as soon as liberated, hastened to his house, and presented him with a thousand crowns. The counsellor in return for such generosity, solicited his client to sup with him; and afterwards invited him to take a bed, both of which he accepted. In the middle of the night the robber rose, found the way to the room of his host, and, without ceremony, bound and gagged him. He then re-pocketed his thousand crowns, and broke open a chest, in which he found plenty of silver and gold, with which he marched off in triumph!

UNEXPECTED ESCAPE.

At the Suffolk Summer Assizes, in 1796, one of the prisoners, William Cotterell, was indicted for a burglary and robbery; and in spite of the remonstrances of counsel, pleaded guilty; nor could he be persuaded to offer any other plea, until the judge threatened, in case he persisted, that he would order him for speedy execution. He then pleaded *not guilty*.

ty, and his trial proceeded ; but owing to defective evidence, he was unexpectedly acquitted.

AFRICAN DOOM.

The report of the Secret Committee of the House of Commons, on the state of the British forts on the western coast of Africa, contains the following account of the mode of trial for offences among the natives :

“ Trial proceeds, for the most part, upon evidence ; but in particular cases the ordeal, or doom, is resorted to. Doom is a poisonous bark, and is thus administered with great ceremony. The accused person, or a proxy, is stripped quite naked, and seated on the ground in a public place ; a certain quantity is given, which he or she must eat ; immediately after a large calabash of water is placed before the person, who drinks as much as the stomach will contain, when vomiting consequently takes place. If the doom is thrown up, the person is considered innocent ; if it remains on the stomach, it is an indication of guilt : the latter seldom occurs ; however, there have been some instances which have proved fatal. The idea of doom strikes such a terror into the minds of the natives, that the committee are of opinion but very few who are guilty will submit to the trial of doom.”

A CURIOUS CAUSE OF WAR.

In the year 1605, some soldiers of Modena carried away a bucket from the public well, belonging to the state of Bologna. This bucket might be worth one dollar ; but it produced a quarrel which was worked up into a long and bloody war.— Henry, the King of Sardinia, son of the Emperor Henry the Second, assisted the Modenese to keep possession of the bucket, and he was made prisoner in one of the battles. His father, the Emperor, offered a chain of gold that would encircle Bologna, which is seven miles in compass, for his son's ransom, but in vain. After twenty two years imprisonment, his father being dead, he pined away and died. This fatal bucket is still exhibited in the tower of the Cathedral of Modena, enclosed in an iron cage. The offer of the chain seems a prodigious sum for his son's ransom but there are many artists who could make a very few ounces of gold answer the purpose ; for a single grain can be hammered until it is the thirty thousandth part of a line in thickness, and will cover fifty square inches ; and each square inch may be divided in-

to two hundred strips, reaching more than one eighth part of a mile. The Bolognese were probably aware of the ductility of this metal, and were not to be duped into such a bargain.

RETRIBUTIVE JUSTICE.

The following facts, illustrative of retributive justice have been collected by De Foe. The era of the circumstances is the reign of Charles the first and the troubles that followed it. The extraordinary coincidence of the dates of some of the events, seems to designate the particular crime which provoked the punishment of its perpetrators.

The English parliament called in the Scots to invade their king; and were invaded themselves by *the same* Scots in defence of the king, whose case, and the designs of the parliament, the Scots had mistaken.

The parliament which raised an army to depose Charles, was deposed by the army it had raised. This army broke three parliaments, but was at length broken by a free parliament.

Sir John Hotham, who repulsed his majesty, and refused him admittance into Hull before the war, was seized by the parliament for which he had done it, on the 10th day of August, exactly two years after he had spilled the first blood in that war. His son, Captain Hotham, was executed the 1st day of January, which was the same day of the same month on which he had assisted Sir Thomas Fairfax in the first skirmish with the king's forces on Branham Moor.

On the 6th day of August, 1641, the parliament voted to raise an army against the king; the same day and month in 1648, the parliament was turned out of doors by that very same army.

The earl of Holland deserted the king who had made him general of horse, and went over to the parliament. The king sent to him for his assistance on the 11th of June, 1641, which the earl refused; and on the 11th of July, 1648, seven years after, he was taken by the parliament at St. Neots, and beheaded on the 9th of March, 1649, on which day in the year 1641, he had carried the declaration of the Commons, which was filled with reproaches, to the king.

The parliament voted to approve of Sir John Hotham's resistance to the king at Hull, on the 28th of April, 1641; the day on which in the year 1660, they first debated in the house the restoration of Charles the Second.

Thus much for the days of Charles; nor are testimonies of

similar occurrences, apparently connected by the same singularity of time, wanting in the earlier reigns.

Cranmer was burnt at Oxford the same day and month that he gave Henry the Eighth the advice to divorce his Queen Catharine.

Queen Elizabeth died the same day and month that she resolved, in her privy council, to behead the Queen of Scots; and her successor, James, died the same day and month that he published his book against Bellarmine.

IRISH BULLS.

The following very elegant letter is said to have been written to a friend in London, by an Irish Baronet, in 1782:

My Dear Sir:—Enjoying now a little peace and quietness, I sit down to inform you of the dreadful bustle and confusion we are in from those blood-thirsty rebels, most of whom are, thank God, killed or dispersed. We are in a pretty mess—can get nothing to eat, and no wine to drink, except whiskey. When we sit down to dinner, we are obliged to keep both hands armed; and while I write this letter I hold a sword in one hand and a pistol in the other. I concluded in the beginning that this would be the end of it, and I see I was right, for it is not half over yet; at present there are such goings on, that every thing is at a stand. I should have answered your letter a fortnight ago, but I only received it this morning: indeed hardly a mail arrives safe, without being robbed. No longer ago than yesterday the coach with the mail for Dublin was robbed near this town; the bags had judiciously been left behind, for fear of accidents, and by good luck there was nobody in the coach, but two outside passengers, and they had nothing for the thieves to take. Last Thursday, notice was given that a gang of rebels was advancing hither under the French standard, but they had no colours, nor any drums, except bagpipes. Immediately, every man in the place, including women and boys, ran out to meet them; we soon found our force much too little; and they were far too many for us to think of retreating. Death was in every face, but to it we went. Fortunately, the rebels had no guns, but pistols, cutlasses, and pikes; and as we had plenty of muskets and ammunition, we put them all to the sword; not a soul of them escaped, except some that were drowned in an adjoining bog. Their uniform was all of different colours, but mostly green. After the action we went to rummage a sort of camp they left

behind them; all we found was a few pikes without any heads. Troops are placed every where round the country, which exactly squares with my ideas. I have only time to add that I am in haste. Your's truly, VISIAN PICK.

An Irishman in America, once wrote to his father in Ireland, thus: "Dear Father, I wish you would come and settle in this place, for your business is much better here than it is where you are; and, besides, I dare say you would soon get to be a colonel, a justice of the peace, a member of the legislature, or a constable, for in this country they have mighty mean men to fill these offices."

A very singular and complete Irish bull, took place in the county of Wicklow, in Ireland, a few years since. Two gentlemen, brothers, were married on the same day, and the respective friends of each, with the brides and bridegrooms, determined on celebrating the happy event as joyfully as possible. Accordingly the whole party repaired to a house a short distance from Wicklow, where the day was spent in the usual style of Irish mirth; there being no lack of supply of wine and whiskey. At night, the brides, amidst blushes and smiles, retired to bed, but left positive orders that no candles were to be allowed the bridegrooms on their retiring. This doubtless was to save a repetition of blushes, and evinced great delicacy on the part of the ladies. The gentlemen, as might be supposed, soon followed the example set them by their wives, and they retired to bed, strictly observing the injunctions of their fair brides. But, Oh! dire mishap! in the morning it was discovered that each gentleman had gone to what was intended to be his brother's bed! the ladies in the dark, and the brother's voices strongly resembling each other, not having noticed the fatal error! Here appears to be a puzzle for the lawyers, for one of the ladies possesses a fortune of £6000, and the other one only £1000, and the gentleman who married the lady with the latter fortune, wished to keep possession of the lady with whom he slept, with the £6000; but this his brother refused to accede to, and in consequence the whole affair was made public.

During the traitor Arnold's predatory operations in Virginia, in 1781, he took an American captain prisoner. After some general conversation, he asked the captain "what he

thought the Americans would do with him if they caught him. The captain declined at first giving him an answer; but upon being repeatedly urged, he said, 'Why, sir, if I must answer your question, you will excuse my telling you the truth; if my countrymen should catch you, I believe they would first cut off your lame leg, which was wounded in the cause of freedom and virtue at Quebec, and bury it with the honours of war, and afterwards hang the remainder of your body on a gibbet.'

A Quaker travelling through the country of Cornwall Eng. was met by a highwayman, who demanded his money, and notwithstanding his friend's remonstrance, threatened to shoot him if he did not deliver it.—'Well friend,' said the Quaker, 'if thou wilt have it, thou shalt have the pleasure of gathering it;' and strewed the money as far as he could throw it, and while the highwayman was picking it up, being a stout man, knocked him down and seizing him by the collar, dragged him to a brook not far distant. 'Now friend,' says he, 'I will not kill thee, but I will hold thee under this water till the breath departeth thy body.' And held him under till he was drowned.

In the American war, a New-York trader was chased by a small French privateer, and having four guns with a plenty of small arms, it was agreed to stand a brush with the enemy rather than be taken prisoners. Among several other passengers was an athletic quaker, who though he withstood every solicitation to lend a hand, as being contrary to his religious tenets, kept walking back and forth upon the deck, without any apparent fear, the enemy all the time pouring in their shot. At length, the vessels having approached close to each other; a disposition to board, was manifested by the French, which was very soon put in execution; and the quaker being on the look out, unexpectedly sprang towards the first man that jumped on board, and grappling him forcibly by the collar, coolly said, 'Friend, thou hast no business here,' at the same time hoisting him over the ship's side.

A benevolent Quaker was lately applied to by a respectable gentleman of the society of Wesleyans, for the purpose of soliciting a subscription towards enabling them to complete a new Chapel built upon the site of an old one, but which could not be finished for want of funds. Obadiah heard him very attentively; at length, breaking silence with a deep groan, he

began thus:—"I tell thee what, friend, my purse is always open to succour the distressed, and to do good to all our own sect; but friend, my religion, thou knowest, differs from that of thine; we do not think thee right, and it is against our religion to help others to build up chapels; therefore, friend, thou seest I cannot assist thee." The Methodist was about departing and was nearly out of the room, when the Quaker called him back—"Hark'ee, friend, how much hast thou laid out?" The Methodist replied "Sixteen hundred pounds." "And how much dost thou want to complete it?" "About fourteen hundred more." "Well friend (said the Quaker) here is one hundred pounds to defray the expense of *pulling down the old Chapel.*"

THE TUTOR AND THE BEARS.

One of the tutors of a certain university took a walk early in the morning, before prayers, for exercise. Being buried in contemplation, for which that hour of the day was very favorable, he extended his walk to a greater distance from the college than usual. At length he entered a spot of ground from which pine timber had been cut and burnt, and the fire had left the stumps exceeding black—When, on a sudden emerged from his reverie, and seeing a cluster of those black objects at a small distance from him, he took them to be bears. The fear which this apprehension excited, occasioned his return with all possible speed. He arrived at the chapel door the moment the students were entering for prayers. By his great exertions, he could do little more than pant for breath, and appeared amazingly frightened. One of the students, observing his fright and consternation, desired to know the cause. The tutor scarcely able to speak, in broken accents, said "*a bear and nine cubs—a bear and nine cubs!*"—The old bear pursued me with all the fury which is common to those devouring animals, and I have but just escaped with my life."—Several of the students at his request immediately accompanied him to the place where his life had been exposed by those beasts of prey: when, to his great mortification, he found that the bear and nine cubs consisted of a large pine stump encircled with a number of smaller ones. Soon after at a quarterly examination, the same tutor put this question to one of the students: "How would you express anger?" The question was answered. He then says to the next, "and how would you express fear?" The student assuming the phiz of consternation, with uplifted hands and a faltering voice, replied, "*a bear and nine cubs! a bear and nine cubs!*"

The following incident is said to have occurred at New-Orleans, during the invasion of that quarter by the enemy.—Subsequent to the battle of the 23d of December, 1814, in which both armies received nearly the same injury, a subaltern British officer was sent to the American lines with a flag of truce. Being detained a little, he began to converse with a corporal in our service, respecting the probable issue of the events there. He stated that “it was folly for the Americans to resist any longer, as they must eventually be beaten. That the troops opposed to them, were the flower of the British army, who had repeatedly vanquished the best veterans on the continent of Europe, and were commanded by *lord* Packenham, *lord* Picton, *lord* Cochrane, *lord* Kean, and many more of the ablest generals in Europe.” To this the corporal indignantly replied, “on our side we have the *Lord* God Almighty, the *Lord* Jesus Christ, and the *Hero* Andrew Jackson, and I’ll be hang’d if we don’t whip you.”

CHARITY REWARDED.

Not many years after the county of Litchfield began to be settled by the English, a strange Indian came one day into an Inn, in the town of Litchfield, in the dusk of the evening; and requested the hostess to furnish him with some drink and a supper, and at the same time observed that he could not pay for neither, as he had no success in hunting; but promised payment as soon as he should meet with better fortune. The hostess refused him both the drink and supper; called him a lazy, drunken, good for nothing fellow; and told him that she did not work so hard herself to throw away her earnings upon such creatures as he was. A man, who sat by, and observed that the Indian, then turning about to leave so inhospitable a place, shewed by his countenance, that he was suffering very severely from want and weariness, directed the hostess to supply him what he wished, and engaged to pay the bill himself. She did so. When the Indian had finished his supper, he turned to his benefactor, thanked him, and assured him that he would remember his kindness, and whenever he was able, would faithfully recompense it. For the present he observed he could only reward him with a story, which if the hostess would give him leave, he wished to tell. The hostess, whose complacency had been recalled by the prospect of payment, consented. The Indian, addressing himself to his benefactor, said “I suppose you read the Bible.” The man

assented. "Well," said the Indian, "the bible says God made the world; and then he took him, and looked on him, and say 'It's very good.' Then He made light; and took him, and looked on him, and say 'It's all very good.' Then He made dry land and water, and sun and moon, and grass and trees, and took him, and looked on him, and said, 'It's all very good.' Then He made beast and birds, and fishes, and took him, and looked on him, and say, 'It's very good.' Then He made woman, and took him, and looked on him, and he no dare say one such word. The Indian having told his story, withdrew.

Some years after, the man who had befriended him, had occasion to go some distance into the wilderness between Litchfield and Albany, then a frontier settlement where he was taken prisoner by an Indian scout, and carried into Canada. When he arrived at the principal settlement of the tribe, on the southern border of the St. Lawrence, it was proposed by some of the captors that he should be put to death. During the consultation, an old Indian woman demanded that he should be given up to her, that she might adopt him in the place of a son, whom she had lost in the war. He was accordingly given to her, and lived through the succeeding winter in her family, experiencing the customary effects of savage hospitality. The following summer as he was at work in the forest alone, an unknown Indian came up to him and asked him to meet him at a place which he pointed out, upon a given day. The prisoner agreed to the proposal, but not without some apprehensions that mischief was intended him. During the interval, these apprehensions increased to such a degree, as to dissuade him effectually, from fulfilling his engagement. Soon after the Indian found him at work again, and very gravely reprov'd him for not performing his promise. The man apologised awkwardly enough, but in the best manner in his power. The Indian told him that he should be satisfied, if he would meet him at the same place on a future day, which he named. The man promised to meet him and fulfilled his promise. When he arrived at the spot, he found the Indian provided with two muskets, ammunition for them, and two knapsacks. The Indian ordered him to take one of each, and follow him. The direction of their march was to the south. The man followed, without the least knowledge of what he was to do, or whither he was going; but concluded that if the Indian intended him harm, he would have dispatch-

ed him at the beginning ; and at the worst, he was as safe where he was, as he could be in any other place. Within a short time, therefore, his fears subsided, although the Indian observed a profound and mysterious silence concerning the object of their expedition. In the day time they shot such game as came in their way ; and at night kindled a fire, by which they slept. After a tedious journey of many days, they came one morning to the top of an eminence presenting a prospect of a cultivated country, in which was a number of houses.— The Indian asked his companion whether he knew the place. He replied eagerly, that it was Litchfield. His guide, after reminding him that he had so many years before relieved the wants of a famished Indian, at an Inn, in that town, subjoined, “ I am that Indian ; now I pay you ; go home.” Having said this, he bade him adieu ; and the man joyfully returned to his own home.

PUTNAM OUT DONE.

An exploit performed two or three years since in a recountre with a wolf, by a son of Benjamin Fowle, Esq. of the town of Caledonia, New-York, a lad of fifteen years of age, is unparalleled either in the story of Putnam, or in that of the no less celebrated boar hunt of M'Donald in Scotland. For some time previous, many of the farmers of Caledonia, and of the neighboring towns, complained loudly of the ravages committed in their sheep-folds by some voracious animal infesting the forests and swamps of the vicinity, supposed to be a wolf. A large number of sportsmen having been rallied, and appearing in the costume of hunters, with rifles, bugle-horns, &c. went in quest of the lawless depredator. After an unsuccessful chase for several days, the wolf cunningly eluded their pursuit, and in the mean time extended his mischief, they started one morning with a view of acting more systematically, in concert. Mounted on horseback, young Fowle had distanced his companions nearly a mile, when he discovered the wolf making his way ahead, over a piece of rising ground, with his utmost speed. Applying his whip to his horse, he soon overtook the wolf and passed him, as he was on the eve of entering an almost impenetrable swamp.

Having diverted the wolf from his course, and being without fire-arms, he tried, at first, to run his horse on him, in order to disable and impede him until he could be dispatched. But the horse, of less courage than the rider, shrinking from

the contest with so ferocious an enemy; the boy dismounted, took off a rope halter, thrust it into his bosom, and followed on foot. Again overtaking the wolf, who was plenteously gorged with the flesh of the animals which he had devoured, and nearly exhausted, he seized him by the tail with both hands, and with his feet well braced, held him fast.

He continued thus for some minutes waiting for his companions, when the wolf, having recovered in some measure from his excessive fatigue, turned round to attack him; the boy, with an intrepidity, seldom manifested by those of more mature age, seized his antagonist by the nape of the neck with his right hand, still keeping hold of his tail with his left, and a struggle took place between them, the one whirling round the other four or five minutes, 'till the boy fell uppermost. The wolf being nearly covered in the deep snow, the boy bore down upon his neck with his right foot to prevent his biting, and succeeded in tying one of his hind legs, with the halter, to a small tree. He then with a leap, placed himself out of his reach. Breaking off a large sapling, which was the best weapon he could procure, he beat him on the head till the blood gushed from his nostrils. The wolf, after several unavailing attempts to extricate himself, was maddened to desperation, exhibiting so frightful an appearance as for a moment to daunt the courage of the boy, and make him shudder at the idea of the danger he had encountered. The boy continued to watch him for nearly half an hour, in the mean time hollowing with all his might, for the rest of the company to come up. At length growing impatient, and thinking that perhaps they had missed his track, he remounted his horse and rode after them. When they arrived, the wolf had gnawed off the rope, and made his escape; but every appearance confirmed the story of the boy. Several of the party, however, thought it incredible, and were not satisfied until the next day, when the wolf was shot, and lo! a piece of the identical rope halter was found upon him wound twice round his leg, and fastened in a gordian knot. This wolf measured three feet in height, and six feet from the nose to the end of the tail.

SINGULAR COMBAT WITH A BEAR.

On Friday the 21st of September, 1810, two lads by the name of David and Samuel Morse of Concord, Vt. one of whom was aged 18 years, the other 16, went for the purpose of helping kill a bear, which was caught in a trap. When

within a short distance of the bear, it extricated itself from the trap, and closed in with the oldest lad, who brought the bear under him as he fell. The other youth with that true courage which characterizes the "Green Mountain boys," willing to share the danger with his brother, caught the bear's head and confined it to the ground with his hands, having no weapon about him. This alarming scene being in sight of Mr. Morse's house, the mother of the lads flew to their assistance, caught the trap, which in her cool moments she would have been totally unable to manage, and with the first blow beat out the bear's eyes, and then drove the spring of the trap into his mouth, and held it in that position until Mr. Carruth and Mr. Hanilton arrived and dispatched him. In the *wrestle* with the bear, he caught the youth's right hand in his mouth, which very considerably wounded him. No other injury was sustained. A more striking instance of preservation, by the judicious efforts of true courage, probably has not occurred since the settlement of this state.

ALL FOR LOVE.

A young nun, in France, who had been some time enamoured of a gay cavalier, resolved on scaling the walls of the convent, to be united to her admirer. Love is violent, even in the breast of one who wears a veil, and the young lady contrived a most ingenious scheme to accomplish her wishes.—She acquainted the cavalier, by means of a communication through the grating, that she had resolved upon breaking her bonds, and enjoying liberty with him. He supposed that the resolution was never likely to be realized, inasmuch as there appeared so many difficulties thrown in the way. But what will not love effect? She pointed out a spot, through her letters, where she would meet the cavalier, on a certain night, directing him to have swift horses in attendance, and leave all the rest to her care. She acquainted him that she would execute her plan, and no one would ever know that she had relinquished a religious life. It appeared to him a mystery how she could bring this about, and he was anxious to know the scheme she had in agitation; but of this she declared he must remain ignorant until it was completed. One of her companions having died about this time, and having just been interred, she boldly entered the tomb where the body was placed, and conveyed it to her own cell, where she placed it upon her couch, having first put upon it some of her clothing. She

then set fire to the drapery of the room, and by means of a rope ladder escaped from the convent, and joined her lover at the appointed place. The fire soon alarmed those who were in the convent, and the cell was presently crowded with the sisterhood, who contrived to put out the fire, but not before it had so disfigured the dead body, that no one suspected it to be any other than that of the nun who had contrived to escape. They mourned her unhappy fate, supposing that she had died by the fire, and prayers were offered up for her soul's repose. This ingenious but dangerous scheme succeeded, and her honor unsullied. The cavalier engaged himself as a merchant, and acquired considerable property, having previously married his intrepid admirer. They had several children, who must have inherited considerable property, had not their mother's scruples of conscience interfered. She having lost her husband, became so afflicted that she retired into a convent, and confessed the whole scheme by which she had effected her escape from the numery.

SINGULAR OCCURRENCE.

Some time in the year 1810, the wall of a well, at a place called Sugartown, was discovered to be giving way. A man by the name of James Craigg, was prevailed upon to descend in a bucket, to examine the well. When within 8 feet of the bottom, which was 35 feet deep, the whole wall suddenly caved in; but Craigg, by bracing himself in a firm position, preserved a vacuity of about four feet in height, where he remained till the stones were all thrown out above him; and he was taken out, after about five hours confinement, very little injured. When the wall first fell in, the man at the windlas, heard him ask if he could be relieved; to which he in the utmost consternation of mind replied, "No!" Craigg was next heard in fervent prayer. On a little reflection, Mr. Ramsey, at the windlas, gave him encouragement of relief; and the people of the neighborhood gathered round, and about seven o'clock in the evening, (it now being two) effected his discharge from his subterraneous confinement.

A similar occurrence took place at Newport, N. Y. in 1816. A young man was engaged in clearing the bottom of a well—the stones suddenly gave way, and he was immediately buried at the depth of fifteen feet beneath a solid mass of stones and gravel. Some hours elapsed before the most unremitting exertions of the neighbors were able to extri-

cate him from his perilous situation. When he was taken up he was able to walk without assistance.

MOST EXTRAORDINARY!

One of the most singular circumstances, recorded in the history of accidents, occurred in the town of Middlebury, county of Genessee, N. Y. on the 16th of May, 1817; and exhibits, in the hero of misfortune, a mind excelling in the cool, deliberate, and determined virtues. The subject is as follows: Artemas Shattuck, on that day, in a piece of chopping that he was clearing, fell a tree across a stump, in which situation it remained nearly balanced, the top, however, buoyed up the butt; while thus suspended, he undertook to cut the tree in two near the stump upon which it was lodged, and while standing upon it for that purpose, he cut so much more upon the upper than on the under part of the tree, that the weight of the butt caused it to split, and at the instant of the greatest vibration or separation of the severed parts his foot slipt into the cavity of the opening timber, and remained as firmly fixed as in a vice;—he fell immediately backwards, in which fall he lost his axe, but soon recovered a position that enabled him to hold upon the tree by one hand, while with the other he drew out his pocket-knife, and cut a limb with a hook attached to it, with the intention of drawing up the axe and cutting the tree to liberate his foot, but soon found his efforts fruitless. He next tried to break his leg, as that would have enabled him to turn his body in a position to sit upon the tree and wait the lingering hour of assistance; but his position prevented even the gratification of this harsh relief. Finding his strength failing fast, and no present prospect of timely relief, (as no human assistance was within three quarters of a mile) he adopted the only alternative that remained of saving himself from the hard and horrible death of expiring while suspended in the air, with his head down and his feet up. With his pen-knife he deliberately severed his foot from his leg at the ankle joint, and on his hands and knees bent his course for home. In this posture he crawled a full half mile before his calls for assistance were heard, and twice had to deviate several rods from a direct line to a rivulet to quench his raging thirst.

Tremendous Hurricane in New-Hampshire.

Perhaps the most awful tornadò that ever occurred in New

England, took place on Sunday evening, September the 9th, 1821; extending from Croydon southeasterly through the towns of Wendell, New-London, Sutton and Warner. A violent storm of wind and hail was indeed felt in many other towns, but nothing to be compared to what it was in the towns above mentioned.

About 6 o'clock, Sunday evening, after an extremely fine and warm day, a dark cloud was observed to rise rapidly in the north and northwest, and passing in a southeasterly direction, illumined in its course, by constant flashes of the most vivid lightning. There was a most terrifying commotion in the cloud itself; and its appearance gave notice that irresistible power and desolation were its attendants. Few however apprehended the danger that was threatening, or that their dwellings which had long withstood the fury of the tempest, were to be swept away like leaves by the wind of autumn.

In Cornish and Croydon considerable injury was done. The house of deacon Cooper of Croydon was much injured; his barn and its contents entirely blown away. Passing on in a direction E. S. E. in its progress, collecting to a more narrow compass its force, it kept its track along the low lands, till it came to the farm and buildings of a Mr. Harvey Huntoon in Wendell, about 80 rods from the borders of Sunapee lake. The people in the house, eight in number, were frightened by the appearance of the cloud. Soon they saw the air before it filled with birds and broken limbs of trees. In an instant the house and two barns were prostrate to the ground. A side of the house fell upon Mr. H. and his wife, who were standing in the kitchen. The next instant it was blown off and dashed to pieces. The woman was carried across the field with the current. A Mrs. Wheeler, who with her husband and child were then living in the house, had taken her child and fled to the cellar: Mr. W. found himself in the cellar covered with timbers and brick, and much injured. A child eleven months old was sleeping upon a bed in the west part of the house; the gown which it wore was soon after found in the water on the shore of the lake, 150 rods from the house, and on Wednesday following the mangled body of the child was found on the west shore of the lake, where it had floated by the waves. Though the sun was an hour above the horizon, yet it was as dark as midnight. The air was filled with leaves, fragments of trees, and gravel. The bedstead on which the child lay was found

in the woods eighty rods from the house northerly and out of the general tract of the wind. The bed and bedding have not yet been found. A number of bricks were blown more than an hundred rods from the house; large pieces of timber belonging to the house and barns, some seven and eight inches square and twelve feet long, were carried eighty and ninety rods; a pair of cart wheels were separated from the body and spire, carried about sixty rods and dashed in pieces; a large iron pot was blown upwards of seven rods; nearly all the trees of a middling sized orchard were blown down, many of them torn up and carried from seventy to an hundred rods in the woods; casks, furniture, clothing and dead fowls were found at a much greater distance. The only furniture found near the house was a kitchen chair. A bureau was blown across the lake, two miles wide at that place, and excepting the drawers was found half a mile beyond the lake, the whole distance being two miles and three quarters. From the buildings the land rises about 100 feet in the distance of fifty rods, then descends to the lake. A door post of the barn, of beech, 13 feet long, 8 by 12 inches square, was blown through the air up this rising ground forty four rods. A large hemlock log, 60 feet in length and three feet in diameter at the butt and nearly two at top, was moved from its bed, where it had lain eight or ten years, and carried by the wind up a hill and over two large rocks 17 inches above the ground, situated about six feet from where it lay, to the distance of six rods. The rise of land in this distance is found to be ten feet six inches. It struck a rock, which breaking it in two, stopped its progress. A piece of wood, heavily timbered, 100 rods east, of 40 acres, was entirely prostrated—not a whole tree is standing on any part of it. A horse was blown up the rise before mentioned 40 rods, and so injured as to make it necessary to kill him. No human lives were lost excepting that of a child.—All the other seven persons however, were much injured, and some of them very severely. A house and barn belonging to Mr. Isaac Eastman, were much shattered, but not entirely ruined. The width of the tornado in Wendell is thought to have been half a mile.

From Wendell the hurricane passed across the lake in a most terrific inverted pyramidal column to New-London, where the destruction of buildings and property is represented to have been the greatest; but we have not heard of any

deaths at that place, nor have we any particulars from that town sufficiently minute to justify a detail.

On Saturday last, with several gentlemen from Concord, Hopkinton and Warner, we visited the ruins of the latter mentioned town, near the Kearsarge mountain in that part formerly called the Gore. No person can conceive without visiting the spot, the horrors of that instant—it was but an instant when all was over—when houses, barns, trees, fences, fowls, &c. were all lifted from the earth, into the bosom of the whirlwind, and anon dashed into a thousand pieces. No language can give an adequate representation of even the present scene, much less of that terrible wrath of the elements which, for a few seconds, was felt by the sufferers. We stood amidst the ruins, almost discrediting our own vision, but awfully impressed with the thought that the place was one, where the hand of Omnipotence had been put down in anger, to teach man his impotence, in a manner that should be understood and remembered. It can hardly, however, be said that we stood among the ruins, for most of them had been carried beyond our sight. A few large stones remaining in their places, and others strewed on each side for several feet indicated where a stone wall had stood; a few fragments of timber, and a small quantity of hay, which had since been gathered together, denoted the spot where stood the barns; timbers and bricks, and at one place the floor remained, of what composed the dwellings of the two Savary's; and the feathers here and there discovered in the dust, showed that the very fowls of heaven, that had often sported with the clouds, could not fly the swift destruction.

From the mountain there is a rapid descent into the Gore. In the valley formed between the mountain and the high hill southeast before it, stood seven dwelling houses, comprising all the habitations in that part of the Gore. The tornado came over the mountain in the direction of the buildings, and first struck the barn of Mr. Isaac Harwood, carrying it away; passing onward it injured the houses of Messrs. F. Goodwin, J. Ferrin, and Abner Watkins, completely destroying Ferrin's barn and unroofing Watkins'.—Next in direction of the wind stood the dwelling of Daniel Savary, of which nothing remains but a part of the floor and bricks. Apprehending a wind, Mr. S. Savary, aged 72 years, the father of the proprietor of the buildings, who was himself absent, went up stairs to fasten down a window. The women

started to his assistance, when, as they represent, the house seemed to whirl and instantly rose above their heads, while what was left behind, timbers, bricks, &c. almost literally buried six of the family in the ruins. The body of the aged Samuel Savary was found at the distance of six rods from the house, his brains dashed out against a stone. Elizabeth, his wife, was very much injured by the falling timbers, which fell across her. Mary, the wife of Daniel S. was severely bruised on the head, arm and breast, and an infant which she held in her arms was killed. The three children were much bruised, but had sufficiently recovered, to tell us their artless tale and show the traces of the storm. This family were extricated by the assistance of the elder Mr. Savary, who, though now scarcely able to move, had the most surprising strength in removing the timbers and bricks, beneath which could be faintly heard the cries of the sufferers.

The house of Mr. Robert Savary was also demolished. Mrs. S. says she anticipated a shower, and went into a bedroom, to take up a child, and was conscious of nothing more, till she found herself confined among the timbers, greatly bruised, but the child unhurt—her husband buried altogether in the bricks, with the exception of his head—and two of their children completely covered up in splinters and rubbish. This family, consisting of eight persons, were all wounded, but not dangerously.

Mr. John Palmer who lives up a rise, distant half a mile, and was out at the door, saw the cloud coming over the mountain in shape as he represents like a tunnel, the air filled with leaves, limbs of trees, &c. He immediately attempted to enter the door but was caught by the arm—at the same instant, the breast-work and chimney gave way, and a part of the frame buried Mrs. P. who was attempting to force open the door for her husband, under the bricks and timber. Mrs. P. was considerably hurt—the remainder of the family not materially injured.

The wind, in passing from the Savary's to Palmer's tore up every thing in its course, throwing splinters of the buildings, pieces of furniture, crockery, &c. in every direction for a mile: ten hives of bees were destroyed; the legs, wings, and heads of fowls were to be seen lying about; several acres of corn and potatoes adjacent to the buildings were swept off clean, not leaving an ear, save at some distance a few in heaps; stones half buried in the earth were overturned and

we saw one which would weigh 500 lbs. moved several feet; a hemlock log 60 feet in length, half buried in the earth, was taken from its bed and carried six rods forward, while a knot from the same log was carried 15 paces back and driven with great force two feet under the turf; a bridge covered with large oaks split in the middle, was torn up and the timbers strewed for a quarter of a mile in a southerly direction.

From these dwellings it passed over the hill two and a half miles and down perhaps one hundred feet, where it swept off all the buildings of Peter Flanders, killing a Miss Ann Richardson and an infant child. All the others, seven in number, were wounded, some badly, and Mr. F. so severely that his life was despaired of. They informed us that no sound of wind was heard, although some might have observed the cloud, until the crash of buildings took place, and then all was over in an instant.

The buildings of deac. Joseph True, situated in a corner of Salisbury, were next swept away. Mr. T. and his father-in-law, a Mr. Jones, who, with his wife, were there on a visit, being at the door, saw the whirlwind approach, and had just time to hide themselves one under his shop a few paces distant, and the other down by a pile of wood—when the buildings were whirled aloft, and stripped into splinters, with the exception of some heavy sticks of timber, one of which plunged endways into the ground two feet by the side of Jones lying by the wood, and the other end leaning upon the pile, protected him from other sticks which fell across.—Neither Jones nor True were hurt. And by their exertions Mrs. True and three or four children, were dug out from beneath the bricks, where they were actually buried more than a foot. The oven had been heated, and the bricks were so hot that in removing them from his children, Mr. T. had his fingers burnt to the bone. Mrs. T. and several of the family were badly burnt, and one child is so disfigured as hardly to be known. The youngest child, an infant, seven weeks old, was found at a distance of one hundred feet under the bottom of a sleigh, the top of which cannot be found. The amazing power of the wind may be finally imagined from the evidences now to be seen. In one place near deacon True's a hemlock log two and a half feet through and 36 ft. long, and nearly half buried in the earth, was moved one or two rods. At another place, two hemlock logs of the same size with the other, one 65 feet long and the other about 40,

lying across each other, were moved about 12 feet and left in the same situation as before. The entire top of one of the chimnies was carried 10 rods and left the bricks together on one spot. Mr. True saw a tree whirling perpendicularly in the air to an immense height. An elm tree standing a little south of Savary's, measuring 17 inches in diameter, whose enormous roots refused to yield, and being too tough to break, was twisted round like a withe; and a few ash trees, standing at the foot of the hill, were stripped of bark and limbs, and split literally into basket stuff.

The tornado then passed into Warner again, tearing down a barn, and passing over a pond, the waters of which seemed to be drawn up in its centre, terminated its ravages in this quarter, in the woods of Boscawen.—*Concord paper.*

MEMORABLE ACCIDENTS.

The amphitheatre at Fidorica, in Italy, fell in and killed fifty thousand people. A. D. 26.

A fire happened at a barn at Burwell, Cambridgeshire, at a puppet-show, when one hundred and sixty persons lost their lives. A. D. 1728.

The roof of the church at Fearn, Scotland, fell during the service, and killed sixty persons. Oct. 20, A. D. 1742.

Amsterdam play-house took fire—seven persons were suffocated, and a great number wounded in getting out. A. D. 1772.

At the celebration of a wedding at Mantua, sixty-six Jews were killed by a floor giving way, among whom were the bride, and the bridegroom's mother. A. D. 1776.

Bourbon-les-bains, in Bassigni, France, had the vault under the church give way, during the celebration of mass, which occasioned the death of six hundred persons. Sept. 15, A. D. 1778.

Montpelier, in France, had a booth wherein a play was performing, fall, and killed five hundred persons. A. D. 1796.

The floor of a meeting-house of Methodists, at Leeds, gave way, when sixteen women, a man and a child were killed, and near eighty persons dreadfully wounded. May 20. A. D. 1796.

The theatre at Mentz, was destroyed by fire during the performance, on the falling in of which many were crushed to death; and seventy were burnt. Aug. A. D. 1796.

Saragossa in Spain, had four hundred of its inhabitants perish by fire, that burnt down the play-house. Dec. A. D. 1778.

The theatre at Richmond, in Virginia, was destroyed by fire on Thursday night, 26th of December, 1811, during the performance of a new play.—About six hundred persons were present, out of which nearly one hundred lost their lives, by leaping from the windows, or burnt with the building. The following are some of the particulars, as they appeared in the Richmond papers soon after the accident happened :

On Thursday night a new play and a new afterpiece were played for the benefit of Mr. Piacide. Crowds swarmed to the theatre—it was the fullest house this season—there were not less than six hundred present.

The play went off—the pantomime began—the first act was over. The whole scene was before us—and all around us was mirth and festivity.—Oh God! What a revolution did one minute produce! The curtain rose in the second act of the pantomime—the orchestra was in full chorus; and Mr. West came on to open the scene—when sparks of fire began to fall on the back part of the stage, and Mr. Robertson came out in unutterable distress, waved his hand to the ceiling, and uttered these appalling words;—“The house is on fire!” His hand was immediately stretched forth to the persons in the stage box to help them on the stage—and aid their retreat in that direction. This is all that we caught of the stage—the cry of *fire, fire*, passed with electric velocity through the house—every one flew from their seats to gain the lobbies and stairs.

The Editor of the *Richmond Standard*, who was in the theatre at the time of the conflagration, states in his paper of the next day, that sixty-one persons have perished, and it is believed that at least sixty others, whose names are yet unknown, have shared the same fate. The fire took place at a time when one of the performers was playing near the orchestra, and the greatest part of the stage, with its horrid danger, was obscured from the audience by a curtain.

I have been informed, (says the editor) that the scenery in the back part of the house took fire by the raising of a chandelier; that the boy who was ordered by some of the players to raise it, stated that if he did so, the scenery would take fire, when he was commanded in a peremptory manner to hoist it. The boy obeyed, and the fire was instantly communi-

ted. He gave the alarm immediately, but the person whose duty it was to cut the cords which held up the combustible materials, became panickstruck, and sought his own safety.

The flames spread with almost the rapidity of lightning; and the fire falling from the ceiling upon the performers was the first notice which the people had of their danger. Even then many supposed it to be a part of the play, and were for a little time restrained from flight by a cry from the stage that there was no danger. The performers and their attendants in vain endeavored to tear down the scenery. The fire flashed in every part of the house with a rapidity horrible and astonishing, and, alas! gushing tears and unspeakable anguish deprive me of utterance. No person, who was not present, can form any idea of this unexampled scene of human distress. The editor having none of his family with him, and being not far from the door was among the first who escaped.

No words can express his horror, when on turning round, he discovered the whole building to be in flames. There was but one door for the greatest part of the audience to pass. Men, women and children were pressing upon each other, while the flames were seizing upon those behind. The editor went to the different windows which were very high, and implored his fellow-creatures to save their lives by jumping out of them. Those nearest the windows, ignorant of their danger, were afraid to leap down, whilst those behind them, were seen catching on fire, and writhing in the greatest agonies of pain and distress. At length, those behind, urged by the pressing flames, pushed those who were nearest to the windows, and people of every description began to fall, one upon another, some with their clothes on fire—some half roasted!

Would to God (continued the narrator) I could have died a thousand deaths in any shape, could individual suffering have purchased the safety of my friends, my benefactors, of those whom I loved.—The editor with the assistance of others, caught several of those whom he had begged to leap from the windows.

The following letter from a gentleman in Richmond, to M. Clay Esq: a representative from Virginia, gives an impressive account of the dreadful catastrophe which has taken place in that city.

RICHMOND, December 27.

SIR—I have a tale of horror to tell: Prepare to hear of the most awful calamity that ever plunged a whole city into af-

fiction. Yes, all Richmond is in tears: Children have lost their parents, parents have lost their children.—Yesterday a beloved daughter gladdened my heart with her innocent smiles—to-day she is in heaven!—God gave her to me, and God—yes, it has pleased Almighty God to take her from me. O! sir, feel for me, and not for me only—arm yourself with fortitude, whilst I discharge the mournful duty of telling you, that you have to feel also for yourself—Yes, for it must be told—You also were the father of an amiable daughter, now like my beloved child—gone to join her mother in heaven.

How can words represent what one night, one hour of unutterable horror has done to overwhelm an hundred families with grief and despair! No, sir, impossible. My eyes beheld last night, what no tongue, no pen can describe—horrors that language has no terms to represent.

Last night we were all at the theatre—every family in Richmond, or, at least, a very large proportion of them were there—the house was uncommonly full—when, dreadful to relate, the scenery took fire, spread rapidly above, ascending in volumes of flame and smoke into the upper part of the building, whence a moment after it descended to force a passage through the pit and boxes. In two minutes the whole audience were enveloped in hot scorching smoke and flames. The lights were all extinguished by the black and smothering vapour.—Cries, shrieks, confusion and despair succeeded. O moment of inexpressible horror!—Nothing I can say, can paint the awful, shocking, maddening scene. The images of both my dear children were before me, but I was removed by an impassable crowd from the dear sufferers. The youngest, with gratitude to heaven I say it, sprang towards the voice of her papa, reached my assisting hand, and was rescued from the overwhelming mass that soon choked the passage by the stairs; but no efforts could avail me to reach, or even gain sight of the other! and my dear, dear Margaret, and your sweet Mary, with her companions, Misses Gwathmy and Gatewood, passed together into a happier world. Judge my feelings by your own—when I found that neither they nor my beloved sister appeared upon the stairs. First one, and then another, and another, I helped down, hoping every moment, to seize the hand of my dear child—but no, no, I was not destined to have that happiness. O! to see so, so many amiable helpless females trying to stretch their imploring hands, crying, “save me, sir, save me, save

me!" O God! eternity cannot banish that spectacle of horror from my imagination. Some friendly unknown hand dragged me from the scene of flames and death—and on gaining the open air, to my infinite consolation, I found my sister had thrown herself from an upper window, and was saved—yes, thanks be to God, saved, where fifty others have in a similar attempt, broken their necks, or were crushed to death by those who fell on them from the same height.

Oh, sir, you can have no idea of the general consternation—the universal grief that pervades this city—but why do I speak of this? I scarcely know what I write to you.

Farewell. In haste, and in deep affliction.

Ludicrous effects of the appearance of a COMET in 1712.

In the year 1712, Mr. Whitson having calculated the return of a Comet, which was to make its appearance on Wednesday the 14th of October, at five minutes after five in the morning, gave notice to the public accordingly, with this terrifying addition, that a total dissolution of the world was to take place on the Friday following. The reputation Mr. Whitson had long maintained in England, both as a divine and philosopher, left little or no doubt with the populace of the truth of this prediction. Several ludicrous events now took place. A number of persons in and about London, seized all the barges and boats they could lay hands on in the Thames, very rationally concluding, that when the conflagration took place, there would be most safety on the water. A gentleman who had neglected family prayer for better than five years, informed his wife, that it was his determination to resume that laudible practice the same evening; but his wife having engaged a ball at her house, persuaded her husband to put it off till they saw whether the Comet appeared or not. The South Sea Stock soon fell to 5 per cent. and the India to 11; and the captain of a Dutch ship, threw all his powder into the river, that his ship might not be endangered.

The next morning, however, the Comet appeared, according to the prediction, and at noon the belief was universal that the day of judgment was at hand. About this time 123 clergymen were ferried over to Lambeth, it was said, to petition that a short prayer might be penned and ordered, there being none in the church service on that occasion. Three maids of honor burnt their collection of novels and plays,

and sent to a bookseller to buy each of them a Bible, and Bishop Taylor's Holy Living and Dying. The run upon the Bank was so prodigious, that all hands were employed from morning till night in discounting notes, and handing out specie. On Thursday, considerable more than 7000 kept mistresses were legally married, in the face of several congregations; and to crown the whole farce, Sir Gilbert Heathcote, at that time head Director to the Bank, issued orders to all the fire offices in London, requiring them "to keep a good look-out, and have a particular eye upon the Bank of England."

FILIAL PIETY REWARDED.

Domestic affection is stronger, by many degrees, in its descent, than in its ascent. This important circumstance in our general nature is wisely ordered. Were not parental love one of the strongest of all human affections, the task of rearing up children would be exceeding irksome, and not unfrequently, they would be neglected, cast off, and left to suffer. Always children are dependent and helpless for a considerable number of years; but it seldom happens that a parent is altogether dependent upon a child. If filial affection were commonly as ardent as that which is commonly felt, in the parental breast, a family would be like a hive of bees refusing to swarm, and famishing by excess of its numbers. Children would be altogether averse to leaving the parental roof, how urgent soever the necessity. Father and mother would not be forsaken for the sake of wife or husband. The young shoots, instead of transplanting themselves, would cling to the old stock, and general famishment would ensue.

No where in the sacred volume are parents commanded, in express words, to love their children; because it is a natural and universal affection, which is more apt to run into excess than to fall short of the true mark; the excess, or rather the wrong direction of parental love, often, very often, leading to avariciousness of temper and acts of injustice. On the other hand, the Decalogue expressly enjoins it upon children, to honor their parents; and the precept which enjoins it is the only commandment in that holy code that is *promissory*. And it is not a little remarkable, that children notorious for requiting their parents with base ingratitude and unfeeling cruelty, do generally carry about with them the marks of the divine displeasure, and at last come to a bad end; and to

those who were shining examples of filial piety, friends have been raised up, sometimes in a marvellous way, to assist them in their needs.

The following instance, from among a great many, is entitled to singular notice, and the story I hope will be read with equal pleasure and profit. It is taken from a volume of the Royal Magazine, published in London, 1762; and the writer averred, that the story was related by an ingenious foreign author, who not only vouched it as true, but affirmed that the parties, at the time he wrote, were still living in France.

“In a great seaport, in one of the most distant provinces of that kingdom, there lived a merchant, who had carried on trade with equal honor and prosperity, till he was turned of fifty years of age; and then, by a sudden series of unexpected and unavoidable losses, found himself unable to comply with his engagements, and his wife and children, in whom he placed his principal happiness, were reduced into such a situation as redoubled his distress.

“His sole resource in this sad situation, was the reflection, that, upon the strictest review of his own conduct, nothing either of iniquity or imprudence appeared. He thought it best therefore to repair to Paris, in order to lay a true statement of his affairs before his creditors, that, being convinced of his honesty, they might be induced to pity his misfortunes, and allow him a reasonable space of time to settle his affairs. He was kindly received by some, and very civilly by all; from whence he received great hopes, which he communicated to his family. But these were speedily dashed by the cruelty of his principal creditor, who caused him to be seized and sent to gaol.

“As soon as this melancholy event was known in the country, his eldest son, who was turned of nineteen, listening only to the dictates of filial piety, came post to Paris, and threw himself at the feet of the obdurate creditor, to whom he painted the distress of his family, in the most pathetic terms; but without effect. At length, in the greatest agony of mind, he said, “Sir, since you think nothing can compensate for your loss, but a victim, let your resentment devolve upon me. Let me suffer instead of my father, and the miseries of a prison will seem light, in procuring the liberty of a parent, to console the sorrows of the distracted and dejected family that I have left behind me. Thus, sir, you will satisfy your ven-

geance, without sealing their irretrievable ruin." And there his tears and sighs stopped his utterance.

"His father's creditor beheld him upon his knees, in this condition, for a full quarter of an hour. He then sternly bid him rise and sit down, which he obeyed. The gentleman then walked from one corner of the room to another, in great agitation of mind, for about the same space of time. At length, throwing his arms about the young man's neck, "I find," said he, "there is yet something more valuable than money: I have an only daughter, for whose fate I have the utmost anxiety. I am resolved to fix it; in marrying you she must be happy.—Go carry your father's discharge, ask his consent, bring him instantly hither, and let us bury in the joy of this alliance, all remembrance of what has formerly happened."

The following affecting anecdote is from the French of Anna Maria Porter.

A sailor of Martinique married a young woman, as virtuous as she was beautiful; and she having expended all the little money her husband had left her before he embarked, had recourse to a wealthy citizen, to whose protection she had been confided. The citizen, inflamed with the charms of the fair borrower, demanded, as the price of his services, the surrender of her virtue. Relying on the hope of her husband's return, and shuddering with indignation at the proposal, the insulted woman refused without hesitation. The sailor did not arrive, and in a few days all the resources of this unhappy wife were exhausted; want too clearly made her sensible of her situation: she was a mother, and dreading to behold one infant perish at her breast, which nourished it, and the other whose maturer age demanded bread, expire of hunger before her, she sought the tyrant again, in the hope of softening him. But prayers and tears could obtain nothing from the barbarian: she was forced to capitulate, and vanquished by necessity, she permitted him to come to supper with her;—after the meal, which was spiritless, the citizen pressed her to fulfil her promise; the poor woman took him to the cradle where her child was sleeping; and then pressing it to her bosom, her eyes suffused with tears she said to it, "Drink, my dear babe! drink freely—thou yet receivest the milk of a virtuous mother, whom necessity alone stabs to the heart; to-morrow, for alas! I cannot wean thee—to—"

morrow, thou wilt drink the milk of an unhappy ——” her tears finished the sentence. The citizen beheld, and was moved at the sight: and throwing his purse at her feet, he exclaimed, “It is not possible to resist so much virtue!”

AFFECTING ANECDOTE.

A circumstance of a very interesting and affecting kind occurred some time since in one of the Greek Isles. A number of the Islanders terrified at the approach of a Turkish force, hurried on board a large boat, and pushed off from the land. The wife of one of them, a young woman of uncommon loveliness, seeing her husband departing, stood on the shore, stretching out her hands towards the boat, and imploring in the most moving terms, to be taken on board. The Greek saw it without concern or pity, and, without aiding her escape, bade his companions hasten their flight. This unfortunate woman, left unprotected, in the midst of her enemies, struggled through scenes of difficulty and danger, of insult and suffering, till her failing health and strength, with a heart broken by sorrow, brought her to her death-bed. She had never heard from her husband, and when wandering among the mountains, or lying hid in some wretched habitation, or compelled to urge her flight amidst cruel fatigues, her affections for him and the hope of meeting again, bore up her courage through all. He came at last when the enemy had retreated, and the Greeks had sought their homes again; and learning her situation, was touched with the deepest remorse. But all hope of life was then extinguished—her spirit had been touched to the utmost—love had changed to aversion, and she refused to see or forgive him. There is at times, in the character of a Greek woman, as more than one occasion occurred of observing, a strength and sternness that is remarkable. Her sister and relations were standing round her bed; and never in the days of her health and love did she look so touchingly beautiful as then—her fine dark eyes were turning on them with a look, as if she mourned not to die, but still felt deeply her wrongs—the natural paleness of her cheek was crimsoned with a hectic hue, and the rich tresses of her black hair fell dishevelled by her side. Her friends, with tears, entreated her to speak and forgive her husband—but she turned her face to the wall, and waved her hand for him to be gone. Soon the last pang came over, and affection conquered—she turned suddenly round, raised a look of forgiveness to him, placed her hand in his, and died.

MATRIMONIAL EXPORT.

In the early settlement of Virginia, when the adventurers were principally unmarried men, it was deemed necessary to export such women as could be prevailed upon to quit England, as wives for the planters. A letter accompanying a shipment of these matrimonial exiles, dated London, Aug. 12, 1621, is illustrative of, the manners of the times, and the concern then felt for the welfare of the colony and female virtue. It is as follows:—

“We send you in the ship, one widow and eleven maids, for wives for the people of Virginia, there hath been especial care had in the choice of them, for there hath not one of them been received but upon good commendations.

“In case they cannot be presently married, we desire that they may be put with several householders that have wives, till they can be provided with husbands. There are nearly thirty more that are shortly to come, and are sent by our honourable Lord and Treasurer, the Earl of Southampton, and certain worthy gentlemen, who, taking into their consideration that the plantations can never flourish till families be planted, and the respect of wives and children for their people on the soil, therefore have given this fair beginning; for reimbursing of those charges, it is ordered that every man that marries them, give 120 pounds best leaf tobacco for each of them.

“Though we are desirous that the marriage be free, according to the laws of nature, yet we would not have those maids deceived and married to servants; but only to such freemen and tenants as have means to maintain them. We pray you therefore, to be fathers of them in this business, not enforcing them to marry against their wills.”

“SHIPPED IN GOOD ORDER.”

A Merchant, originally from Liverpool, having acquired a large fortune in one of our West-India Islands, concluded that he could not be happy in the enjoyment of it, unless he shared it with a woman of merit; and, knowing none to his fancy, he wrote to a worthy correspondent of his in Liverpool, to procure a “helpmate for him.” He was not acquainted with any style except that used in business; therefore, treating of affairs of love as of matters of merchandize, after giving his friend several commissions, and reserving this for the last, he went on thus, “Item—seeing that I have ta-

ken a resolution to marry, and that I do not find a suitable match for me here, do not fail to send per next ship bound hither, a young woman of the qualifications and form following:—as for portion, I demand none: let her be of an honest family, between twenty and twenty-five years of age, of a middling stature, and well proportioned; her face agreeable, her temper mild, her character blameless, her health good, and her constitution strong enough to bear the changes of climate, that there may be no occasion to look out for a second through loss of the first soon after she comes to hand—which must be provided against as much as possible, considering the great distance and the dangers of the sea. If she arrives here conditioned as above said, with the present letter endorsed by you, or at least a true copy thereof, that there may be no mistake or imposition, I hereby oblige and engage myself to satisfy the said letter by marrying the bearer at fifteen days sight. In witness whereof, I subscribe, &c.” The correspondent read over and over this odd article, which put the future spouse on the same footing with the bale of goods he was to send to his friend, and after admiring the prudent exactness of the West-Indiaman, (whose integrity he well knew) and his laconic style in enumerating the qualifications which he insisted on, he endeavored to serve him to his mind; and after many enquiries, he judged he had found a lady fit for his purpose, of reputable family, but slender fortune; of good temper, and polite education, well shaped, and more than commonly beautiful. He made the proposal to her, and the young woman, whose dependence was chiefly upon a cross old aunt, with whom she lived in a state of perpetual uneasiness, accepted it. A ship, bound for the island, was then fitted out for Liverpool; the young woman, together with the bale of goods, was put on board; being well provided with necessaries; and particularly with a certificate in due form, and endorsed by the correspondent. She was also included in the invoice, the last article of which run thus:—“Item—a young gentlewoman, of twenty-four years of age, quality, shape, and condition, as per order, as appears from the certificates and affidavits she has to produce.” The writings which were thought necessary for so exact a man as her future husband, were, an extract from the parish register; a certificate of her character, attested by the clergyman; an attestation by her neighbors, setting forth that she had peacefully lived for three years with an old aunt, who was intol-

erably peevish, and had not, during all that time, given the said aunt the least occasion of complaint; and lastly, the goodness of her constitution was attested by four physicians. Before the gentlewoman's departure, the correspondent sent letters of advice by other ships to his friend, informing him that per such a ship he should send a young woman, of such an age, character, condition, &c.—in a word, such as he himself had requested to be sent. The letters of advice, the bale, the young woman, got safe to port; and the West-Indiaman, who was one of the foremost on the pier at the lady's landing, was charmed to see so handsome and interesting a female, more especially when she, approaching him in the most graceful and modest manner, said, "Sir, I have a bill of exchange upon you, I beg you will be pleased to honor it." At the same time she delivered his correspondent's letter, on reading which he exclaimed, "Ah! Madam, I never yet suffered my bills to be protested, and I assure you this shall not be the first. I shall reckon myself the most fortunate of men, if you allow me to discharge it."—"Yes, Sir," she replied, "and the more willingly, since I am apprised of your character; we had several persons of honor on board, who knew you very well, and who gave you so exalted a character, that I feel the most perfect esteem for you." This interview was in a few days followed by the nuptials, which were very magnificent, and the new married couple were well satisfied with their happy union, negotiated by a bill of exchange.

THE DISAPPOINTED BRIDE.

At an age when the heart is open to every impression, and forms with the same facility engagements and connections, which in a man of riper years would be the fruit of esteem and observation, St. A—— was travelling from his native province to explore the wonders of the metropolis, which he had as yet beheld but with the eyes of hope. In the coach which was to convey him to Paris, he found a young man of prepossessing appearance; a conversation began that terminated in protestations of friendship on both sides. Mutual confidence flowed from their lips, and all the secrets of their youth were revealed. It was then that St. A—— learned that his new friend was sent to Paris to marry a young lady whom he never had seen, but whom his father and family had chosen for his bride, with the consent of her relations.

The journey finished without any accident. and they arrived in the morning at Paris, where they took lodgings in a public hotel. Scarcely had they taken possession of their apartment, when the young man was seized with a bilious cholick, which, in less than two hours deprived him of his existence. Affected at the melancholy fate of his own youthful acquaintance, St. A——, whose tender attentions had not been able to save him, thought it his duty to inform the father of the overthrow of his expectations; and taking with him the letters and the port-folio of his friend, repaired to the house of that gentleman.

The servant who opened the door, conscious that his master expected his son-in-law, announced St. A—— as such, without inquiring who he was. The father, without giving him time to explain himself, embraced him with eagerness, and presented him to his wife as her son, and to his daughter as her husband.

St. A——, naturally gay and volatile, could not resist the temptation of deceiving them a little longer, and played his part extremely well. He gave the letters, and being perfectly acquainted with the secrets and affairs of his friend, returned the most satisfactory answers to their questions. He succeeded especially in captivating the attention of the young lady, who with side-long glances, admired the features and fine shape with which nature had blest her lover. Dinner was announced, and St. A—— was placed by the side of the timid bride; and the whole family yielded up their hearts to joy and satisfaction. The young lady spoke little, answered with difficulty, and often blushed, while St. A—— was polite and ardent in his attention toward her; and though the expression of his face was naturally serious, his conversation was pleasing and cheerful.

After dinner the father entered into all the details necessary to settle the marriage, when suddenly St. A—— rose, and taking his hat, seemed anxious to retire. "Are you going to leave us?" exclaimed the father. "Yes," answered St. A——; "important business compels me to it." "What business can you have in a city where you are a stranger? Perhaps you wish to draw money from a banker; my purse is entirely at your service; and if you will absolutely have recourse to a banker, I may send somebody who will transact the business for you." "No, no," said St. A——, "you are mistaken; it is a business which I alone can transact." While

they were speaking, St. A—— continued to walk towards the door, and they were soon in the hall. "Now we are alone," said St. A——, "and the ladies cannot hear us, I will tell you that this morning, a few minutes after my arrival, an accident happened to me. I was attacked with a billious cholic and died. I promised to be buried at six o'clock, and you will easily conceive that I must attend the place of rendezvous; for, not being known in this part of the world, if I fail to be exact to my word, it would wake suspicions of inattention to business that would prove prejudicial to my character."

The father listened to him with astonishment; but taking the whole for a joke, returned to the ladies bursting with laughter, and related the cause of his son-in-law's hurried departure. While they were still conversing upon the subject, the clock struck six. It was soon seven, and the family was alarmed at not seeing St. A——. Half an hour after, the father sent to the hotel to enquire. The servant entrusted with his commission, asked for him under his real name, and received for answer—"that he had arrived there at nine in the morning, he died at eleven, and was buried at six." It would be difficult to express the surprise of the whole family at receiving this information; and as St. A—— left his lodgings, and never visited them again, a general belief was spread around, that it was a *ghost* that had spent the day with Mr. N—— in social enjoyment and conversation.

HUMANITY REWARDED.

A surgeon in Florence, happened to discover in the street a dog whose leg had just been broken by a cart wheel. Compassion or curiosity induced him to send the dog to his house, where he reduced the fracture, and confined the animal, till the cure was completed. The dog was then dismissed, not until after many demonstrations had been shewn of gratitude and joy. About a twelvemonth afterward the same dog came to his study, apparently in great agitation, and extremely solicitous to attract his attention to something which was going on abroad. The importunities of the animal did not cease until he had compelled the surgeon to descend into the yard; where, to his surprise, he discovered slowly entering the gate, another dog with his back broken.

REMARKABLE SAGACITY OF A DOG.

The following curious fact was related to me under circumstances, which leave it on my mind without the possibility of a doubt.—*Gentleman's Magazine.*

A gentleman from Scotland arrived at an inn in St. Albans, on his way to the metropolis; he had with him a favorite dog, which, being fearful of losing in London, he left it to the care of the landlord, promising to pay for the animal's board, on his return in about a month or less. During several days the dog was kept on a chain, to reconcile him to an intimacy with his new master; he was then left at liberty to range the public yard at large with others. There was one among his companions who chose to play the tyrant, and he frequently assaulted and beat poor Tray unmercifully. Tray submitted with admirable forbearance for some time, but his patience being exhausted, and oppression becoming daily more irksome, he quietly took his departure. After an absence of several days, he returned with a large Newfoundland dog—made up directly to his tyrannical assailant, and so assisted, as very nearly to beat him to death. The stranger then retired, and was seen no more, and Tray remained unmolested until the return of his master. The landlord naturally mentioned the circumstance which was the subject of general conversation, and the gentleman heard it with much astonishment, because convinced that the dog had absolutely journeyed into Scotland to relate his ill treatment, and to bespeak the good offices of the friend who had been the companion of his journey back, and his assistant in punishing the aggressor. It proved to have been so; for on arriving at his home in the Highlands, and inquiring into particulars, he found, as he expected, that much surprise and some uneasiness had been excited by the return of Tray alone; by the two dogs, after meeting, going off together; and by the Newfoundland, after an absence of several days, coming back again foot-sore, and nearly starved.

Now here may be supposed to have taken place, all that Mr. Locke so admirably insists upon, of a distinct association of ideas, because Tray must have *reasoned* with himself, that although his own strength was insufficient to combat with the stronger assailant, when aided by a friend he was more than a match for him; and he must have had the means of communicating his wrongs, his desire of revenge, and the means of accomplishing it.

CHILD SAVED.

A shepherd, who inhabited one of these valleys or glens which intersect the Grampian mountains, in one of his excursions to look after his flock, happened to carry along with him one of his children, an infant of three years old. This is not an unusual practice among the Highlanders, who accustom their children from their earliest infancy to endure the rigours of the climate. After traversing his pastures for some time, attended by his dog, the shepherd found himself under the necessity of ascending a summit at some distance, to have a more extensive view of his range. As the ascent was too fatiguing for the child, he left him on a small plain at the bottom, with strict injunctions not to stir from it till his return. Scarcely, however, had he gained the summit, when the horizon was darkened by one of those impenetrable mists which frequently descend so rapidly amidst these mountains, as, in the space of a few minutes, almost to turn day to night. The anxious father instantly hastened back to find his child; but owing to the unusual darkness, and his own trepidation, he unfortunately missed his way in the descent. After a fruitless search of many hours, he discovered that he had reached the bottom of the valley, and was near his own cottage. To renew the search that night was equally fruitless and dangerous; he was therefore compelled to go home, although he had lost both his child, and his dog, who had attended him faithfully for many years. Next morning, by break of day, the shepherd, accompanied by a band of his neighbors, set out in search of his child; but after a day spent in fruitless fatigue, he was at last compelled by the approach of night to descend from the mountain. On returning to his cottage, he found that the dog which he had lost the day before, had been home, and on receiving a piece of cake, had instantly gone off again. For several successive days the shepherd renewed the search for his child, and still, on returning home disappointed in the evening, he found that the dog had been home, and on receiving his usual allowance of cake, had instantly disappeared. Struck with this singular circumstance, he remained at home one day; and when the dog, as usual, departed with his piece of cake, he resolved to follow him, and find out the cause of this strange procedure. The dog led the way to a cataract at some distance from the spot, where the shepherd had left his child. The banks of the cataract almost joined at the top, yet separated by an abyss

of immense depth, presented that appearance which so often astonishes and appals the travellers that frequent the Gramplan mountains. Down one of these rugged, and almost perpendicular descents, the dog began, without hesitation, to make his way, and at last disappeared by entering into a cave, the mouth of which was almost level with the torrent. The shepherd with difficulty followed; but, on entering the cave, what were his emotions, when he beheld his infant eating with much satisfaction the cake which the dog had just brought him; while the faithful animal stood by, eyeing his young charge with the utmost complacency! From the situation in which the child was found, it appeared that he had wandered to the brink of the precipice, and then either fallen or scrambled down till he reached the cave. The dog by means of his scent had traced him to the spot; and afterwards prevented him from starving, by giving up to him his own daily allowance. He appears never to have quitted the child by night or day, except when it was necessary to go for food; and then was always seen running at full speed to and from the cottage.

NEWFOUNDLAND DOG.

One of the magistrates in Harbour Grace, in Newfoundland, had an old dog of the regular web-footed species peculiar to this island, who was in the habit of carrying a lantern before his master at night, as steadily as the most attentive servant could do, stopping short when his master made a stop, and proceeding when he saw him disposed to follow. If his master was absent from home, on the lantern being fixed to his mouth, and the command given, "Go fetch thy master," he would immediately set off and proceed directly to town, which lay at the distance of more than a mile from the place of his master's residence: he would then stop at the door of every house which he knew his master was in the habit of frequenting, and laying down his lantern, growl and strike the door, making all the noise in his power until it was opened; if his master was not there, he would proceed farther in the same manner, until he had found him. If he had accompanied him only once into a house, this was sufficient to induce him to take that house in his round.

ACCOMPLISHED SHOPLIFTER.

A young gentleman, lately residing in Edinburgh, was the

master of a handsome spaniel bitch, which he had bought from a dealer in dogs. The animal had been educated to steal for the benefit of its protector; but it was some time ere its new master became aware of this irregularity of morals, and he was not a little astonished and teased by its constantly bringing home articles of which it had feloniously obtained possession. Perceiving at length, that the animal proceeded systematically, in this sort of behaviour, he used to amuse his friends, by causing the spaniel to give proofs of her sagacity in the Spartan art of privately stealing, putting of course the shopkeepers where he meant she should exercise her faculty on their guard as to the issue.

The process was curious, and excites some surprise at the pains which must have been bestowed to qualify the animal for these practices. As soon as the master entered the shop, the dog seemed to avoid all appearance of recognizing or acknowledging any connexion with him, but lounged about in an indolent, disengaged, and independent manner, as if she had come into the shop of her own accord. In the course of looking over some wares, her master indicated by a touch on the parcel and a look towards the spaniel, that which he desired she should appropriate, and then left the shop. The dog, whose watchful eye caught the hint in an instant, instead of following her master out of the shop, continued to sit at the door, or lie by the fire, watching the counter, until she observed the attention of the people of the shop withdrawn from the prize which she wished to secure. Whenever she saw an opportunity of doing so, as she imagined unobserved, she never failed to jump upon the counter with her fore feet, possess herself of whatever had been pointed out to her, and escape from the shop to join her master.

AFFECTING REPROOF.

Among a pack of hounds, kept by a gentleman in the middle of the last century, was a favorite bitch that he was very fond of, and which he used to suffer to come and lie in his parlour. This bitch had a litter of whelps, and the gentleman one day took them out of the kennel, when the bitch was absent, and drowned them. Shortly afterwards she came into the kennel, and, missing her offspring, sought them most anxiously; at length she found them drowned in the pond. She then brought them one by one, and laid them at her master's feet in the parlour; and when she had brought the last

whelp, she looked up in her master's face, laid herself down, and died.

FEEDING THE ORPHAN.

In June, 1816, some young gentlemen disappointed in duck shooting, fired a few rounds for their amusement at a flock of swallows, and unfortunately brought some of the parent swallows to the ground, and among the rest, both parents of a young brood of five, whose nest was in the corner of one of the windows of Mr. Gavin Inglis's house, at Strathendry. Conceiving the young would perish from hunger, Mr. I. resolved to take them into the house, and try to bring them up under the care of his children, who had undertaken to catch flies for them. This humane interposition was however found unnecessary; the news of the calamity had spread over the colony, and a collection of parent swallows had assembled. The state of the nest and the young was taken under review, and arrangements were immediately gone into for the protection and support of the helpless orphans. A supply of provisions was brought them before leaving them for the night; and next day, and every day for some time after, the benevolent office of feeding them was carried on with so much parental care by the older swallows in succession, that the orphan group were as regularly fed, and as soon fledged and on the wing, as the young of any nest in the colony.

CALCULATING CROW.

A Scotch newspaper of the year 1816 states, that a carrion crow, perceiving a brood of fourteen chickens, under the care of the parent-hen, on a lawn, picked up one; but on a young lady opening the window and giving an alarm, the robber dropped his prey. In the course of the day, however, the plunderer returned, accompanied by thirteen other crows, when every one seized his bird, and carried off the whole brood at once.

LONG LOST FOUND AGAIN.

A female elephant belonging to a gentleman at Calcutta, being ordered from the upper country to Chotygone, broke loose from the keeper, and was lost in the woods. The excuses which the keeper made were not admitted. It was supposed that he had sold the elephant; his wife and family therefore were sold for slaves, and he was himself condemn-

ed to work upon the roads. About twelve years after, this man was ordered into the country to assist in catching wild elephants. The keeper fancied he saw his long-lost elephant in a group that was before them. He was determined to go up to it; nor could the strongest representations of the danger dissuade him from his purpose. When he approached the creature, she knew him, and giving him three salutes, by waving her trunk in the air, knelt down and received him on her back. She afterwards assisted in securing the other elephants, and likewise brought with her three young ones, which she had produced during her absence. The keeper recovered his character; and, as a recompense for his sufferings and intrepidity, had an annuity settled on him for life. This elephant was afterwards in the possession of Gov. Hastings.

Persons who have the management of elephants, have often observed that they know very well when any one is ridiculing them, and that they very often revenge themselves when they have an opportunity. A painter wished to draw an elephant in the menagerie at Paris in an extraordinary attitude, which was with his trunk lifted up, and his mouth open. An attendant on the painter, to make the elephant preserve the position, threw fruits in his mouth, and often pretended to throw them without doing so. The animal became irritated, and as if knowing that the painter was to blame rather than his servant, turned to him, and dashed a quantity of water from his trunk over the paper on which the painter was sketching his distorted portrait.

ASSISTING THE AGED.

M. de Boussanelle, captain of cavalry in the regiment of Beauvilliers, mentions, that a horse belonging to his company, being from age unable to eat his hay or grind his oats, was fed for two months by two horses on his right and left who eat with him. These two horses, drawing the hay out of the rack, chewed it, and then put it before the old horse, and did the same with the oats, which he was then able to eat.

SNAKE DESTROYERS.

Mr. Percival, in his account of the Island of Ceylon, speaking of the India Ichnumon, a small creature, in appearance between the weasel and the mongoose, says it is of infinite use to the natives from its inveterate enmity to snakes, which would otherwise render every footstep of the traveller dan-

gerous. This diminutive creature, on seeing a snake ever so large, will instantly dart on it, and seize it by the throat, provided he finds himself in an open place, where he has an opportunity of running to a certain herb, which he knows instinctively to be an antidote against the poison of the bite, if he should happen to receive one. Mr. Percival saw the experiment tried in a closed room, where the Ichneumon, instead of attacking his enemy, did all in his power to avoid him. On being carried out of the house, however, and laid near his antagonist in the plantation, he immediately darted at the snake, and soon destroyed it. It then suddenly disappeared for a few minutes, and again returned, as soon as it had found the herb and ate it.

INFANT FASCINATION.

The *Reading Eagle*, a Pennsylvania paper of the year 1820, relates the following extraordinary incident: A daughter of Mr. Daniel Strohecker, near Orwigsburg, Berks County, Pennsylvania, about three years of age, was observed for a number of days to go to a considerable distance from the house with a piece of bread which she obtained from her mother. The circumstance attracted the attention of the mother, who desired Mr. S. to follow the child, and observe what she did with it. On coming to the child, he found her engaged in feeding several snakes, called yellow-heads, or bastard rattle-snakes. He immediately took her away and proceeded to the house for his gun, and returning, killed two of them at one shot, and another a few days after. The child called these reptiles in the manner of calling chickens; and when her father observed, if she continued the practice they would bite her, the child replied, "No, father, they won't bite me; they only eat the bread I give them."

THE DOLPHIN.

The dolphin was in great repute among the ancients for its love to the human race; it was consecrated to the gods, and was honored with the title of the Sacred Fish.

Pliny has the following, among other marvellous instances of this love for mankind, which he confesses he would have been ashamed to relate, had they not been set down for truth in many veritable chronicles. In the reign of Augustus Cæsar, he tells us that there was a dolphin in the Lærine lake, which formed a most romantic attachment to a poor man's

son. The boy had to go every day from Baia to Puteoli to school, and such was the friendly terms on which he had got with the dolphin, that he had only to wait by the banks of the lake, and cry *Simo! Simo!* the name he had given to the animal, when, lo! Simo came scudding to the shore, let fall the sharp prickles of his skin, and gently offered his back for the boy to mount upon. The boy, nothing afraid, used to mount instantly, when the dolphin, without either rein or spur, would speed across the sea to Puteoli, and after landing the young scholar, wait about the vicinity till he was returning home, when it would again perform the same sort of civil service. The boy was not ungrateful for such extraordinary favor, and used every day to bring a good store of victuals for Simo, which the animal would take from his hand in the most tame and kindly manner imaginable. For several years this friendly intercourse was kept up; it was, in fact, only terminated by the death of the boy; when, as the story goes, the dolphin was so affected at seeing him return no more, that it threw itself on the shore, and died, *as was tho't*, of very grief and sorrow!

Wonderful as this story is, it is not without its fellow. Plutarch says, that "there was in the city of Jassos, a boy called Hermias, (Qu. Hermes) who had also formed such a friendship with a dolphin, that he used in the same way to ride on its back over the sea. It happened on one occasion of this kind, that a great storm arose, and the boy, unable to keep his seat, was drowned. The dolphin brought the dead body of its lost friend to shore, and, as if reproaching itself for having been the cause of the calamity, would return to the sea no more, but launched itself on the sand, and lay there till it expired."

In all cases of shipwreck, the dolphin was believed to be in waiting, to rescue and carry on shore the unfortunate mariners. Arion, the musician, when thrown overboard by the pirates, is said to have been indebted for his life to this animal.

"But, past belief, a dolphin's arched back
Preserved Arion from his destin'd wreck;
Secure he sits, and with harmonious strains
Requites the bearer for his friendly pains."

GRATEFUL LIONESS.

A dreadful famine raged at Buenos Ayres during the government of Don Diego de Mendoza, in Paraguay, yet Don

Diego, afraid of giving the Indians a habit of spilling Spanish blood, forbade the inhabitants on pain of death to go into the fields in search of relief; placing soldiers at all the outlets to the country, with orders to fire upon those who should attempt to transgress his orders. A woman, however, called Maldonata, was artful enough to elude the vigilance of the guards, and escape; after wandering about the country for a long time, she sought for shelter in a cavern, but she had scarcely entered it, when she espied a lioness, the sight of which greatly terrified her. She was, however, soon quieted by the caresses of the animal, who was in a state in which assistance is of the most service, and most gratefully remembered even by the brute creation. Of this the lioness gave her benefactress the most sensible proofs. She never returned from searching after her own daily subsistence, without laying a portion of it at the feet of Maldonata, until her whelps being strong enough to walk abroad, she took them out with her and did not return during Maldonata's stay in the cavern.

Some time after, Maldonata fell into the hands of the Spaniards, and being brought back to Buenos Ayres, was conducted before Don Francis Ruiz de Galan, who then commanded there, on the charge of having left the city contrary to orders. Galan was a man of cruelty, and condemned the unfortunate woman to death, which none but the most cruel tyrant could have thought of. He ordered some soldiers to take her into the country and leave her tied to a tree, either to perish by hunger, or to be torn to pieces by wild beasts, as he expected. Two days after, he sent the same soldiers to see what was become of her; when, to their great surprise, they found her alive and unhurt, though surrounded by lions and tigers, which a lioness at her feet kept at some distance. As soon as the lioness perceived the soldiers, she retired a little, and enabled them to unbind Maldonata, who related to them the history of this lioness, whom she knew to be the same she had formerly assisted in the cavern. On the soldiers taking Maldonata away, the lioness fawned upon her as unwilling to part. The soldiers reported these facts to the commander, who could not but pardon a woman who had been so singularly protected, without appearing more inhuman than the lions.

MORE FAITHFUL THAN FAVORED.

Sir Harry Lee of Ditchley, in Oxfordshire, ancestor of the Earls of Litchfield, had a mastiff which guarded the house

and yard, but had never met with the least particular attention from his master, and was retained from his utility alone, and not from any particular regard. One night, as his master was retiring to his chamber, attended by his *faithful* valet, an Italian, the mastiff silently followed him up stairs, which he had never been known to do before, and, to his master's astonishment, presented himself in his bed-room. Being deemed an intruder, he was instantly ordered to be turned out: which being done, the poor animal began scratching violently at the door, and howling loudly for admission. The servant was sent to drive him away. Discouragement could not check his intended labor of love, or rather providential impulse; he returned again, and was more importunate than before to be let in. Sir Harry, weary of opposition, bade the servant open the door, that they might see what he wanted to do. This done, the mastiff with a wag of his tail, and a look of affection at his lord, deliberately walked up, and crawling under the bed, laid himself down as if desirous to take up his night's lodging there. To save farther trouble, but not from any partiality for his company, the indulgence was allowed. About the solemn hour of midnight the chamber door opened, and a person was heard stepping across the room: Sir Harry started from his sleep; the dog sprang from his covert, and seized the unwelcome disturber, and fixed him to the spot! All was dark; and Sir Harry rang his bell in great trepidation, in order to procure a light. The person who was pinned to the floor by the courageous mastiff, roared for assistance. It was found to be the valet, who little expected such a reception. He endeavored to apologize for his intrusion, and to make the reasons which induced him to take this step appear plausible; but the importunity of the dog, the time, the place, the manner of the valet, all raised suspicions in Sir Harry's mind; and he determined to refer the investigation of the business to a magistrate. The perfidious Italian, alternately terrified by the dread of punishment, and soothed with the hopes of pardon, at length confessed that it was his intention to murder his master, and then rob the house. This diabolical design was frustrated only by the instinctive attachment of the dog to his master, which seemed to have been directed on this occasion by the interference of Providence. How else could the poor animal know the intended assassination? How else could he have learned to submit to injury and insult for his well-meant ser-

vices; and finally seize and detain a person, who, it is possible, had shown him more kindness than his owner ever had done? It may be impossible to reason on such a topic, but the facts are indisputable. A full length picture of Sir Harry, with the mastiff by his side, and the words, 'More faithful than favored,' are still to be seen at the family seat at Ditchley, and are a lasting monument of the gratitude of the master, the ingratitude of the servant, and the fidelity of the dog.

THE SHEPHERD'S DOG.

The celebrated shepherd poet, had a dog named Sirrah, who was for many years his sole companion in those mountain solitudes, where, far from the haunts of men, he nursed that imagination which has since burst forth with such splendor on the world. "He was," quoth the shepherd, "beyond all comparison, the best dog I ever saw. He was of a surly, unsocial temper, disdaining all flattery, and refused to be caressed; but his attention to his master's commands and interests will never again be equalled by any of the canine race. The first time that I saw him, a drover was leading him in a rope; he was hungry and lean, and far from being a beautiful cur, for he was almost all over black, and had a grim face, striped with dark brown. The man had bought him of a boy for three shillings somewhere on the border, and doubtless fed him very ill on his journey. I thought I discovered a sort of sullen intelligence in his face, notwithstanding his dejected and forlorn situation; so I gave the drover a guinea for him, and appropriated the captive to myself. I believe there never was a guinea so well laid out; at least I am satisfied that I never laid out one to so good a purpose. He was scarcely then a year old, and knew so little of herding, that he had never turned sheep in his life; but as soon as he discovered that it was his duty to do so, and that it obliged me, I can never forget with what anxiety and eagerness he learned his different evolutions.—He would try every way deliberately till he found out what I wanted him to do; and when once I made him to understand a direction, he never forgot or mistook it again. Well as I knew him, he often astonished me, for when hard pressed in accomplishing the task that he was put to, he had expedients of the moment that bespoke a great share of the reasoning faculty."

Mr. Hogg goes on to narrate the following among other

remarkable exploits, in illustration of Sirrah's sagacity. About seven hundred lambs, which were once under his care at weaning time, broke up at midnight, and scampered off in three divisions across the hills, in spite of all that the shepherd and an assistant lad could do to keep them together.—“Sirrah,” cried the shepherd in great affliction, “my man, they're a' awa.” The night was so dark that he did not see Sirrah; but the faithful animal had heard his master's words, words such as of all others were sure to set him most on the alert; and without more ado he silently set off in quest of the remnant flock. Meanwhile the shepherd and his companion did not fail to do all that was in their own power to recover their lost charge; they spent the whole night in scouring the hills for miles around, but of neither the lambs nor Sirrah could they obtain the slightest trace. “It was the most extraordinary circumstance,” says the shepherd, “that had ever occurred in the annals of the pastoral life. We had nothing for it (day having dawned) but to return to our master, and inform him that we had lost his whole flock of lambs, and knew not what was become of one of them. On our way home, however, we discovered a body of lambs at the bottom of a deep ravine, called the Flesh Cleuch, and the indefatigable Sirrah standing in front of them, looking all around for some relief, but still standing true to his charge. The sun was then up; and when we first came in view of them, we concluded that it was one of the divisions of the lambs which Sirrah had been unable to manage, until he came to that commanding situation. But what was our astonishment, when we discovered by degrees that not one lamb of the whole flock was wanting! How he had got all the divisions collected in the dark, is beyond my comprehension. The charge was left entirely to himself, from midnight until the rising of the sun; and if all the shepherds in the forest had been there to have assisted him, they could not have effected it with greater propriety. All that I can further say is, that I never felt so grateful to any creature below the sun, as I did to my honest Sirrah that morning.”

INFALLIBLE THIEF CATCHER.

An English gentleman, visiting a public garden at St. Germain, in France, accompanied by a large mastiff, was refused admittance for his dog, whom he therefore left to the care of the body guards, who were stationed at the gate. Some

time after, the gentleman returned, and informed the guards that he had lost his watch, and told the sergeant that if he would permit him to take in the dog, he would soon discover the thief. His request being granted, he made the dog understand by a motion what he had lost; the animal immediately ran about among the company, and traversed the garden for some time. At length, it seized hold of a man; the gentleman insisted that he was the person who had got the watch, and on being searched, not only that watch, but six others, were discovered in his pockets. What is more remarkable, the dog possessed such perfection of instinct, as to take his master's watch from the other six, and carry it to him.

A GOOD FINDER.

One day, when Dumont, a tradesman of the Rue St. Denis, was walking in the Boulevard St. Antoine with a friend, he offered to lay a wager with the latter, that if he were to hide a six livre piece in the dust, his dog would discover and bring it to him. The wager was accepted, and the piece of money secreted, after being carefully marked.—When the two had proceeded some distance from the spot, M. Dumont called to his dog that he had lost something, and ordered him to seek it. Caniche immediately turned back, and his master and his companion pursued their walk to the Rue St. Denis. Meanwhile a traveller, who happened to be just then returning in a small chaise from Vincennes, perceived the piece of money which his horses had kicked from its hiding place; he alighted, took it up, and drove to his inn, in the Rue Pont-aux-Choux. Caniche had just reached the spot in search of the lost piece, when the stranger picked it up. He followed the chaise, went into the inn, and stuck close to the traveller. Having scented out the coin which he had been ordered to bring back, in the pocket of the latter, he leaped up incessantly at and about him. The traveller supposing him to be some dog that had been lost or left behind by his master, regarded his different movements as marks of fondness; and as the animal was handsome, he determined to keep him.—He gave him a good supper, and on retiring to bed, took him with him to his chamber. No sooner had he pulled off his breeches, than they were seized by the dog; the owner, conceiving that he wanted to play with them, took them away again. The animal began to bark at the door, which the

traveller opened, under the idea that the dog wanted to go out. Caniche snatched up the breeches and away he flew. The traveller posted after him with his night-cap on, and literally naked. Anxiety for the fate of a purse full of gold Napoleons, of forty francs each, which was in one of the pockets, gave double velocity to his steps. Caniche ran full speed to his master's house, where the stranger arrived a moment afterwards, breathless and enraged. He accused the dog of robbing him. "Sir," said the master, "my dog is a very faithful creature; and if he has run away with your breeches, it is because you have in them money which does not belong to you." The traveller became still more exasperated. "Compose yourself, sir," rejoined the other, smiling, "without doubt there is in your purse a six livre piece, with such and such marks, which you have picked up in the Boulevard St. Antoine, and which I threw down there with the firm conviction that my dog would bring it back again. This is the cause of the robbery which he has committed upon you." The stranger's rage now yielded to astonishment; he delivered the six livre piece to the owner, and could not forbear caressing the dog which had given him so much uneasiness, and such an unpleasant chase.

BISSET, THE ANIMAL TEACHER.

Few individuals have presented so striking an instance of patience and eccentricity, as Bisset, the extraordinary teacher of animals. He was a native of Perth, and an industrious shoemaker, until the notion of teaching the quadruped kind attracted his attention in the year 1759. Reading an account of a remarkable horse shown at St. Germain's, curiosity led him to try his hand on a horse and a dog, which he bought in London, and he succeeded beyond all expectation. Two monkeys were the next pupils he took in hand, one of which he taught to dance and tumble on the rope, whilst the other held a candle in one paw for his companion, and with the other played a barrel organ. These antic animals he also instructed to play several fanciful tricks, such as drinking to the company, riding and tumbling on a horse's back, and going through several regular dances with a dog. Being a man of unvaried patience, three young cats were the next objects of his tuition. He taught these domestic tigers to strike their paws in such directions on the dulcimer, as to produce several regular tunes, having music books before them, and squall.

ing at the same time in different keys or tones, first, second, and third, by way of concert. He afterwards was induced to make a public exhibition of his animals, and the well known *cat's opera* was advertised in the Haymarket; the horse, the dog, the monkeys, and the cats, went through their several parts with uncommon applause to crowded houses; and in a few days Bisset found himself possessed of near a thousand pounds, to reward his ingenuity.

This success excited Bisset's desire to extend his dominion over other animals, including even the feathered kind. He procured a young leveret, and reared it to beat several marches on the drum with its hind legs, until it became a good stout hare. He taught Canary birds, linnets, and sparrows, to spell the name of any person in company, to distinguish the hour and minute of time, and play many other surprising fancies: he trained six turkey cocks to go through a regular country dance; but in doing this, confessed he adopted the eastern method, by which camels are made to dance by heating the floor. In the course of six months' teaching, he made a turtle fetch and carry like a dog; and having chalked the floor and blackened its claws, could direct it to trace out any given name in the company. He trained a dog and cat to go through many amazing performances. His confidence even led him to try experiments on a gold fish, which he did not despair of making perfectly tractable. But some time afterwards a doubt being stated to him, whether the obstinacy of a pig could not be conquered, his usual patient fortitude was devoted to the experiment. He bought a black sucking pig, and trained it to lie under the stool on which he sat at work. At various intervals during six or seven months, he tried in vain to bring the young boar to his purpose; and despairing of every kind of success, he was on the point of giving it away, when it struck him to adopt a new mode of teaching, in consequence of which, in the course of sixteen months, he made an animal, supposed the most obstinate and perverse in nature, to become the most tractable. In August, 1783, he once again turned itinerant, and took his learned pig to Dublin, where it was shown for two or three nights at Ranelagh. It was not only under full command, but appeared as pliant and good natured as a spaniel. When the weather having made it necessary he should remove into the city, he obtained the permission of the chief magistrate, and exhibited the pig in Dame-street. "It was seen," says the author of *An-*

thologia Hibernica, "for two or three days, by many persons of respectability, to spell without any apparent direction the names of those in the company; to cast up accounts, and to point out even the words thought of by persons present; to tell exactly the hour, minutes, and seconds; to point out the married; to kneel, and to make his obeisance to the company," &c. &c. Poor Bisset was thus in a fair way of "bringing his pig to a good market," when a man, whose insolence disgraced authority, broke into the room, without any sort of pretext, assaulted the unoffending man, and drew his sword to kill the swine, an animal that in the practice of good manners was at least superior to his assailant. The injured Bisset pleaded in vain the permission that had been granted to him; he was threatened to be dragged to prison. He was constrained to return home, but the agitation of his mind threw him into a fit of illness, and he died a few days after at Chester, on his way to London.

BEE CHARMER.

Mr. Wildman, of Plymouth, who rendered himself famous in the West of England for his command over bees, being in London in 1766, visited Dr. Templeman, Secretary to the Society of Arts, in his bee dress. He went in a chair, with his head and face covered with bees, and a most venerable beard of them hanging from his chin. The gentlemen and ladies assembled were soon convinced that they had no occasion to be afraid of the bees, and therefore went up familiarly to Mr. Wildman, and conversed with him. After having remained some time, he gave orders to the bees to retire to their hive, and this they did instantly.

USURPER PUNISHED.

Some years ago, a sparrow had early in the spring taken possession of an old swallow's nest in a village in Fifeshire, and had laid some eggs in it, when the original builder and owner of the castle made her appearance, and claimed possession. The sparrow, firmly seated, resisted the claim of the swallow; a smart battle ensued, in which the swallow was joined by its mate, and during the conflict, by several of their comrades. All the efforts of the assembled swallows to dislodge the usurper were however unsuccessful. Finding themselves completely foiled in this object, it would seem that they had held a council of war to consult on ulterior meas-

ures; and the resolution they came to, shows that with no ordinary degree of ingenuity, some very lofty considerations of right and justice were combined in their deliberations. Since the sparrow could not be dispossessed of the nest, the next question with them appears to have been, how he could be otherwise punished for his unlawful usurpation of a property unquestionably the legitimate right of its original constructor. The council were unanimous in thinking that nothing short of the death of the intruder could adequately atone for so heinous an offence; and having so decided, they proceeded to put their sentence into execution, in the following very extraordinary manner: Quitting the scene of contest for a time, they returned with accumulated numbers, each bearing a beak full of building materials; and without any further attempt to beat out the sparrow, they instantly set to work and built up the entrance into the nest, enclosing the sparrow within the clay tenement, and leaving her to perish in the garrison she had so bravely defended.

The truth of this almost incredible story is vouched for by a gentleman of unquestionable veracity, and a most ingenious observer of nature, Mr. Gavin Inglis, of Strathendry, Bleachfield, in Fifeshire. Linnæus had prepared us to expect as much from the ingenuity of the swallow, but he states nothing of the kind as of his own knowledge.

PRESUMPTIVE GUILT.

In Smyrna there are a great number of storks, who build their nests and hatch their young very regularly. The inhabitants, in order to divert themselves at the expense of these birds, and gratify a cruel disposition, sometimes convey hens' eggs into the stork's nest; and when the young are hatched, the cock, on seeing them of a different form from his own species, makes a hideous noise, which brings a crowd of other storks about the nest, who, to revenge the disgrace which they imagine the hen has brought upon her race, immediately peck her to death. The cock in the mean time makes the heaviest lamentation, as if bewailing his misfortune, which obliged him to have recourse to such extreme punishment.

OLD HABITS.

Between the years 1750 and '60, a Scottish lawyer of eminence made a journey to London. At that period such journeys were usually performed on horseback, and the traveller

might ride post; but willing to travel economically, he bought a horse, and sold him at the end of his journey. The gentleman of whom we speak, who was a good judge of horses, as well as a good horseman, had chosen the latter mode of travelling, and had sold the horse on which he rode from Scotland as soon as he arrived in London. With a view to his return, he went to Smithfield to purchase a horse. About dusk, a handsome horse was offered to him at so cheap a rate, that he was led to suspect the animal to be unsound; but as he could discover no blemish, he became the purchaser. Next morning he set out on his journey; his horse had excellent paces, and the first few miles, while the road was well frequented, our traveller spent in congratulating himself on his good fortune. On Finchley Common, and at a place where the road run down a small hill and up another, the traveller met a clergyman driving a one-horse chaise. There was nobody within sight, and the horse by his manœuvre plainly intimated what had been the profession of his former master. Instead of passing the chaise, he laid his counter close up to it, and stopt it, having no doubt that his rider would embrace so fair an opportunity of exercising his vocation. The clergyman, under the same mistake, produced his purse unasked, and assured the inoffensive and surprised horseman that it was unnecessary to draw his pistol. The traveller rallied his horse, with apologies to the gentleman, whom he had unwillingly affrighted, and pursued his journey. The horse next made the same suspicious approach to a coach, from the window of which a blunderbuss was levelled, with denunciations of death and destruction to the rider, though *sackless*, as he used to express it, of all offence in deed or word. In short, after his life had been once or twice endangered by the suspicions to which his horse's conduct gave rise, and his liberty as often threatened by peace officers, who were disposed to apprehend him as the notorious highwayman who had formerly ridden the horse, he found himself obliged to part with the inauspicious animal for a mere trifle, and to purchase at a dearer rate a horse of less external figure and action, but of better moral habits.

AN ASS CAST AWAY.

In March, 1816, an ass belonging to Captain Dundas, of the Royal Navy, then at Malta, was shipped on board the *Ister* frigate, Captain Forrest, bound from Gibraltar for that

island. The vessel struck on some sands off the Point de Gat, and the ass was thrown overboard, in the hope that it might possibly swim to the land; of which, however, there seemed but little chance, for the sea was running so high, that a boat which left the ship, was lost. A few days after, when the gates of Gibraltar were opened in the morning, the guard were surprised by Valiant, as the ass was called, presenting himself for admittance. On entering, he proceeded immediately to the stable of Mr. Weeks, a merchant, which he had formerly occupied. The poor animal had not only swam safely to the shore, but without guide, compass, or travelling map, had found his way from Point de Gat to Gibraltar, a distance of more than two hundred miles, through a mountainous and intricate country, intersected by streams, which he had never traversed before, and in so short a period, that he could not have made one false turn.

CARRIER PIGEONS.

The first mention we find made of the employment of pigeons as letter carriers, is by Ovid in his "Metamorphoses," who tells us that Taurosthenes, by a pigeon stained with purple, gave notice of his having been victor at the Olympic games on the very same day to his father at Egina.

Pliny informs us, that during the siege of Modena by Marc Antony, pigeons were employed by Brutus to keep up a correspondence with the besieged.

When the city of Ptolemais, in Syria, was invested by the French and Venetians, and it was ready to fall into their hands, they observed a pigeon flying over them, and immediately conjectured that it was charged with letters to the garrison. On this the whole army raising a loud shout, so confounded the poor aerial post, that it fell to the ground, and on being seized, a letter was found under its wings, from the sultan, in which he assured the garrison, that "he would be with them in three days, with an army sufficient to raise the siege." For this letter the besiegers substituted another to this purpose—"that the garrison must see to their own safety, for the sultan had such other affairs pressing him, that it was impossible for him to come to their succour;" and with this false intelligence they let the pigeon free to pursue his course. The garrison, deprived by this decree of all hope of relief, immediately surrendered. The sultan appeared on the third day, as promised, with a powerful army, and was not

a little mortified to find the city already in the hands of the Christians.

Carrier pigeons were again employed, but with better success, at the siege of Leyden, in 1675. The garrison were by means of the information thus conveyed to them induced to stand out, till the enemy, despairing of reducing the place, withdrew. On the siege being raised, the Prince of Orange ordered that the pigeons who had rendered such essential service should be maintained at the public expense, and that at their death they should be embalmed and preserved in the town house, as a perpetual token of gratitude.

In the east, the employment of pigeons for the conveyance of letters is still very common; particularly in Syria, Arabia, and Egypt. Every bashaw has generally a basket full of them sent him from the grand seraglio, where they are bred, and in case of any insurrection, or other emergency, he is enabled, by letting loose two or more of these extraordinary messengers, to convey intelligence to the government long before it could be possibly obtained by other means.

In Flanders great encouragement is also still given to the training of pigeons; and at Antwerp there is an annual competition of the society of pigeon fanciers.

In the United States, they have been also recently employed, with very nefarious success, by a set of lottery gamblers. The numbers of the tickets drawn at Philadelphia were known by this mode of conveyance, within so inconceivably short a period, at New-York, or if drawn at New-York, known at Philadelphia, and so with other towns, that the greatest frauds were committed on the public by those in possession of this secret means of intelligence.

In England, the use of carrier pigeons is at present wholly confined to the *gentlemen of the fancy*, who inherited it from the heroes of Tyburn; with whom it was of old a favourite practice, to let loose a number of pigeons at the moment the fatal cart was drawn away, to notify to distant friends the departure of the unhappy criminal.

The diligence and speed with which these feathered messengers wing their course is extraordinary. From the instant of their liberation, their flight is directed through the clouds at an immense height to the place of their destination. They are believed to dart onwards in a straight line, and never descend, except when at a loss for breath, and then are to be seen commonly at dawn of day, lying on their backs on the

ground, with their bills open, sucking in with hasty avidity the dew of the morning. Of their speed, the instances related are almost incredible.

The Consul of Alexandria daily sends despatches by this means to Aleppo in five hours, though couriers occupy the whole day in proceeding with the utmost expedition from one town to the other.

Some years ago, a gentleman sent a carrier pigeon from London, by the stage coach, to his friend at Bury St. Edmunds, together with a note, desiring that the pigeon, two days after his arrival there, might be thrown up precisely when the town clock struck nine in the morning. This was done accordingly, and the pigeon arrived in London, and flew to the Bull Inn in Bishopsgate Street, into the loft, and was there shown at half an hour past eleven o'clock, having flown seventy-two miles in two hours and a half. At the annual competition of the Antwerp pigeon fanciers in 1819, one of thirty-two pigeons belonging to that city, who had been conveyed to London, and there let loose, made the transit back, being a distance in a direct line of one hundred and eighty miles, in six hours.

It is thought the attachment of these animals to the place of their birth, and particularly to the spot where they have brought up their young, that they are thus rendered useful to mankind.

When a young one flies very hard at home, and is come to its full strength, it is carried in a basket or otherwise about half a mile from home, and there turned out; after this, it is carried a mile, and then two, four, eight, ten, twenty, &c. till at length it will return from the furthestmost parts of the country.

MATRIMONIAL FIDELITY.

A pigeon, twelve years old, belonging to an inn-keeper at Cheltenham, was a few years ago deserted by his partner, after having had a numerous progeny by her. He took the loss much to heart, but made no attempt to supply her place by a new alliance. Two years passed away in a state of widowed solitude, when at last the faithless fair one returned, and wished to be restored to her conjugal rights. Her injured lord and master was for a time inexorable; he repelled all her approaches, and when she became importunate, gave her a sound beating. In the dead of night, however, Master

Pigeon's curtains not being more secure than those of Priam, the lady contrived to make her quarters good. When the day dawned, matters were so far made up, that it was agreed Madam Pigeon should at least have shelter in his cot during the remainder of her days; but the days of the repentant guilty are seldom long, and a few short months saw her consigned to the tomb. The old pigeon, as if sensible that death by forever dissolving the connexion, had placed him in a state of liberty which her voluntary desertion had not, instantly took wing, and in an hour or two returned with a new partner.

Quere.—How did that pigeon get an idea of what is contained in the following passage?—“*Whoever shall put away his wife, and marry another, committeth adultery against her.*”

MUSICAL MICE.

“Music has charms to sooth the savage breast,
To soften rocks, or bend the knotted oak.”

CONGREVE.

Dr. Archer, of Norfolk, in Virginia, says, “On a rainy evening in the winter of 1817, as I was alone in my chamber, I took up my flute and commenced playing. In a few minutes my attention was directed to a mouse that I saw creeping from a hole, and advancing to the chair in which I was sitting. I ceased playing, and it ran precipitately back to its hole; I began again shortly afterwards, and was much surprised to see it re-appear, and take its old position. The appearance of the little animal was truly delightful; it couch-ed itself on the floor, shut its eyes, and appeared in ecstasy; I ceased playing, and it instantly disappeared again. This experiment I repeated frequently with the same success, observing that it was always differently affected, as the music varied from the slow and plaintive, to the brisk or lively. It finally went off, and all my art could not intice it to return.”

A more remarkable instance of this fact appeared in the “Philadelphia Medical and Physical Journal,” in the year 1817. It was communicated by Dr. Cramer, of Jefferson county, who states that “one evening in the month of December, as a few officers on board a British man of war, in the harbour of Plymouth, were seated round the fire, one of them began to play a plaintive air on the violin. He had scarcely performed ten minutes, when a mouse, apparently frantic, made its appearance in the centre of the floor. The strange

gestures of the little animal strongly excited the attention of the officers, who with one consent resolved to suffer it to continue its singular actions unmolested. Its exertions now appeared to be greater every moment—it shook its head, leaped about the table, and exhibited signs of the most extatic delight. It was observed, that in proportion to the gradation of the tones to the soft point, the feelings of the animal appeared to be increased, and *vice versa*. After performing actions which an animal so diminutive would at first sight seem incapable of, the little creature, to the astonishment of the delighted spectators, suddenly ceased to move, fell down, and expired without evincing any symptoms of pain.”

A few years ago a man at Allerton (Eng.) by trade a taylor, but who occasionally could handle his fiddle as well as his needle. On his way home from whence he had been exercising his musical talents for the entertainment of his musical neighbors, in passing through a field about 3 o'clock in the morning, in the month of June, he was attacked by a bull. After several efforts to escape, he attempted to ascend a tree. Not, however, succeeding in the attempt, a momentary impulse directed him to pull out his fiddle, and fortifying himself behind as well as he could, began to play, upon which the enraged animal became totally disarmed of his ferocity, and appeared to listen with attention. The affrightened Joe Snip, finding his fierce and formidable enemy so much appeased, began to think of making his escape, left off playing, and was making off without the slightest desire to know who should “pay the piper.”

This however, the bull would not suffer—for no sooner had our Orpheus ceased his fascinating strain, than the bull's rage appeared to return with as much violence as before. He was glad, therefore, to have recourse a second time to his fiddle, which as instantly operated again as a magic charm upon the bull, who became as composed and as attentive as before. He afterwards made several attempts to escape, but all in vain; for no sooner did he stop the fiddle than the bull's anger returned, so that he was compelled to continue fiddling away till near 6 o'clock (about three hours) when the family came to milk the cows, by which he was relieved, and rescued from a tiresome and frightful situation.

He is perhaps the first man upon record who may really be said to have fiddled for his life.

POWER OF MUSIC.

Ancient writers tell us of musicians, who, by their art, could tame the most furious wolves and tigers; and it is well known in America, that the rattle-snake will be so overcome and intoxicated, as it were, by soft music, as to stretch itself full length upon the ground, and continue in all appearance without life or motion. There is a species of dancing snakes which are carried in baskets through Hindostan, and procure a maintenance for a set of people who play a few simple notes on the flute, with which the snakes seem much delighted, and keep time by a graceful motion of the head, erecting about half their length from the ground, and following the music with gentle curves, like the undulating lines of a swan's neck. "It is a well known fact," says Forbes, in his *Oriental Memoirs*, "that when a house is infested with these snakes, and some other of the coluber genus, which destroy poultry and small domestic animals, as also by the larger serpents of the boa tribe, the musicians are sent for, who, by playing on a flageolet, find out their hiding places, and charm them to destruction: for no sooner do the snakes hear the music, than they come softly from their retreat, and are easily taken."

The deer also is very fond of the sound of the pipe, and will stand and listen attentively. Waller, in his *Ode to Isabella* on her playing on the lute; has the following allusion to the fondness of this animal for music:

"Here love takes stand, and while she charms the ear,
Empties his quiver on the listening deer."

Playford, in his *Introduction to Music*, has a curious passage on this subject. "Myself," says he, "as I travelled some years since near Royston, met a herd of stags, about twenty, on the road, following a bagpipe and violin; while the music played, they went forward; when it ceased, they all stood still; and in this manner they were brought out of Yorkshire to Hampton Court."

One Sunday evening, five choristers were walking on the banks of the river Mersey, in Cheshire; after some time, being tired with walking, they sat down on the grass, and began to sing an anthem. The field on which they sat, was terminated at one extremity by a wood, out of which, as they were singing, they observed a hare to pass with great swiftness towards the place where they were sitting, and to stop at about twenty yards distance from them. She appeared highly delighted with the harmony of the music, often turning up

the side of her head to listen with more facility. As soon as the harmonious sound was over, the hare returned slowly towards the wood; when she had nearly reached the end of the field, the choristers began the same piece again; at which the hare stopped, turned round, and came swiftly back to about the same distance as before, where she seemed to listen with rapture and delight, till they had finished the anthem, when she returned again by a slow pace up the field, and entered the wood.

HONOR AMONG THIEVES.

The chaplain of one of the principal hospitals, at the west end of London, distinguished by his indefatigable attention to the duties of his office, met with the following remarkable occurrence:—As he returned, a few evenings ago, from a village near town, he was stopped in a lane by three foot-pads, who demanded his money. Whilst he was preparing to deliver it up, one of the men looked earnestly at him, and said, “Sir, a’nt you a parson of St. George’s Hospital?” The gentleman answered that he was. “Then, (said the robber to his companions) we must not rob this gentleman, he was very kind to me. And, sir, (continued he) if you will go with me, I will see you safe out of this lane, and no one shall hurt you.” The gentleman accompanied him; as they walked along the man confessed he had been a patient in the hospital, and would never forget his kindness to him. This naturally induced the gentleman to endeavor to dissuade him from continuing in his present mode of life. He was visibly affected, and said, distress had driven him to it, but that he was determined to leave his companions next morning, and seek an honest way of getting his bread. When they parted the gentleman said, “Well friend, if it had not been for you, I should have been robbed, or perhaps worse; and therefore, I must beg your acceptance of a few shillings.”—“Thank you sir, (answered the man) but I will not take them, and in future I hope to make a better use of the good advice you gave me when you used to sit by my bed-side in the hospital.” The gentleman then repeated his exhortation, and the man his promises, and thus they parted.

PLEASING OCCURRENCE.

A servant of the Rev. Rowland Hill very lately died, and his master preached the funeral sermon to a numerous audi-

ence; in the course of which he mentioned the following curious anecdote:—"Many persons present were acquainted with the deceased, and have had it in their power to observe his character and conduct. They can bear witness that I speak the truth, when I assert, that for a considerable number of years past, he has proved himself a perfectly sober, honest, industrious and religious man; faithfully performing as far as lay in his power the duties of his station in life, and serving God with constancy and zeal; and yet this very man, this virtuous and pious man was once a robber on the highway. More than thirty years ago he stopped me on the public road and demanded my money. Not at all intimidated, I urged with him, I asked what could induce him to pursue such an iniquitous and dangerous course of life.—"I have been a coachman, Sir, said he, but am now out of place; and not being able to get a character, can get no employment, and am therefore obliged to resort to this means of gaining subsistence." I desired him to call upon me—he promised he would, and kept his word. I talked further with him, and offered to take him into my service. He consented; and since that period, he has served me faithfully, and not me only, but he has faithfully served his God. And instead of finishing his life in a public ignominious manner, with a depraved and hardened mind, as he probably soon would have done, he has died in peace, rejoicing in hope, and prepared, we trust, for the society of just men made perfect. Till this day, this extraordinary occurrence has been confined in his breast and mine: I have never mentioned it, even to my dearest friend."

IMAGINATION.

The power of a diseased imagination over the body, or, as it is scientifically called, hallucination, was never perhaps more strongly verified than in the case of that dissolute nobleman and extraordinary genius, the younger Littleton.—He one night saw in a dream a young lady, who told him, that on a certain Sunday evening, at 10 o'clock, he certainly should die; this he related to some of his intimate acquaintance, and invited a number of them to pass the appointed evening with him and witness the falsehood of the prediction. They did so; the evening came, he endeavored to make himself merry as the hour approached, but it had fastened on his imagination with a firmer hold than he was aware of; just

before ten he complained of being indisposed, proposed to retire, and died in the act of getting into bed. A clergyman who then lived near Highley, told the writer of this, that a Doctor Johnson, of whom Littleton speaks in very high terms, in one of his letters as a physician in his neighborhood, told him that had he been sent for in season, he could have saved him. The Quarterly Review of November, 1816, contains the following striking instance :

“ One of the most striking instances of the amazing influence which the imagination possesses not over the feelings merely, but upon the actual state and functions of the bodily organization, is related by professor Hufeland.

“ A student at Jena, about 16 years of age, having a weak and irritable nervous frame, but in other respects healthy, left his apartments during twilight, and suddenly returned with a pale, dismal countenance, assuring his companions that he was doomed to die in thirty-six hours, or at 9 o'clock in the morning of the second day. This sudden change of a cheerful young mind, naturally alarmed his friend; but no explanation was given of its cause.—Every attempt at ridiculing his whimsical notion was fruitless; and he persisted in affirming that his death was certain and inevitable. A numerous circle of his fellow-students soon assembled, with a view to dispel those gloomy ideas, and to convince him of his folly, by arguments, satire and mirth. He remained, however, unshaken in his strange conviction, being apparently inanimate in their company, and expressing his indignation at their follies and witticisms applied to his peculiar situation. Nevertheless, it was conjectured that a calm repose during the night would produce a more favorable change in his fancy; but sleep was banished, and the approaching dissolution engaged his attention during the nocturnal hours. Early next morning he sent for professor Hufeland, who found him employed in making arrangements for his funeral; taking an affectionate leave of his friends; and on the point of concluding a letter to his father; in which he announced the fatal catastrophe that was speedily to happen. After examining his condition of mind and body, the professor could discover no remarkable deviation from his usual state of health, excepting a small contracted pulse, a pale countenance, dull or drowsy eyes, and cold extremities: these symptoms, however, sufficiently indicate a general spasmodic affection of the nervous system, which also exerted its influence over the men-

tal faculties. The most serious reasoning on the subject, and all the philosophical and medical eloquence of Dr. Hufeland, had not the desired effect; and though the student admitted that there might be no ostensible cause of death discoverable, yet this very circumstance was peculiar to his case; and such was his inexorable destiny, that he must die next morning, without any visible morbid symptoms. In this dilemma Dr. Hufeland proposed to treat him as a patient. Politeness induced the former to accept of such offer, having assured the physician that medicines would not operate. As no time was to be lost, there being only twenty-four hours left for his life, Dr. Hufeland deemed proper to direct such remedies as prove powerful excitants, in order to rouse the vital energy of his pupil, and to relieve him from his captivated fancy. Hence he prescribed a strong emetic and purgative; ordered blisters to be applied to both calves of the legs, and at the same time stimulating clisters to be administered. Quietly submitting to the doctor's treatment, he observed, that his body being already half a corpse, all means of recovering it would be in vain. Indeed Dr. Hufeland was not a little surprised, on his repeating his visit in the evening, to learn, that the emetic had but very little operation, and that the blisters had not even reddened the skin. The case became more serious; and the supposed victim of death began to triumph over the incredulity of the professor and his friends. Thus circumstanced, Dr. Hufeland perceived how deeply and destructively the mental spasm must have acted on the body, to produce a degree of insensibility from which the worst consequences might be apprehended. All the inquiries into the origin of this singular belief had hitherto been unsuccessful. Now only he disclosed the secret to one of his intimate friends, namely, that on the preceding evening he had met with a white figure in the passage, which nodded to him, and in the same moment, he heard a voice exclaiming, "The day after to-morrow, at nine o'clock in the morning, thou shalt die!"—He continued to settle his domestic affairs; made his will, minutely appointing his funeral; and even desired his friends to send for a clergyman; which request, however, was counteracted. Night appeared, and he began to compute the hours he had to live, till the ominous next morning. His anxiety evidently increased with the striking of every clock within hearing. Dr. Hufeland was not without apprehension, when recollecting instances in which mere

imagination had produced melancholy effects; but as every thing depended on procrastinating or retarding that hour in which the event was predicted, and on appeasing the tempest of a perturbed imagination, till reason had again obtained the ascendancy, he resolved upon the following expedient: Having a complaisant patient, who refused not to take the remedies prescribed for him, (because he seemed conscious of the superior agency of his mind over that of the body) Dr. Hufeland had recourse to laudanum, combined with the extract of hen-bane: twenty drops of the former, and two grains of the latter, were given to the youth, with such effect, that he fell into a profound sleep, from which he did not awake till eleven o'clock on the next morning. Thus the prognosticated fatal hour elapsed; and his friends waiting to welcome the bashful patient, who had agreeably disappointed them, turned the whole affair into ridicule. The first question, however, after recovering from his artificial sleep, was, "What is the hour of the morning?" On being informed that his presage had not been verified by experience, he assured the company that all these transactions appeared like a dream.—After that time, he long enjoyed a good state of health and was completely cured of a morbid imagination.

"Had this youth fallen into less sagacious hands, the event would, it is more than probable, have answered the prediction; and the occurrence would have stood as irrefragable evidence of that creed which imagines that the times have not long since passed of individual and immediate communication between the world of sense and the world of spirit. How the fancy originated, it is difficult to say; but it is not less difficult to explain the phenomena of dreams."

In the *Zoonomia* is the following well authenticated tale, which has been verified by Mr. Wadsworth:

"A young farmer in Warwickshire, finding his hedges broken, and the sticks carried away during a frosty season, determined to watch for the thief. He lay many cold hours under a hay stack, and at length an old woman, like a witch in a play, approached and began to pull up the hedge; he waited till she had tied her bundle of sticks, and was carrying them off, that he might convict her of the theft, and then springing from his concealment, he seized his prey with violent threats. After some altercation, in which her load was left on the ground, she knelt upon the bundle of sticks, and raising her arms to heaven, beneath the bright moon then at

the full, spoke to the farmer, already shivering with cold, "Heaven grant that thou mayest never know again the blessing to be warm!" He complained of cold all the next day, and wore an upper coat, and in a few days another, and in a fortnight, took to his bed, always saying nothing made him warm; he covered himself with very many blankets, and had a sieve over his face as he lay; and from this one insane idea he kept his bed above twenty years, for fear of the cold air, till at length he died."

Sauvages relates a similar incident, upon the authority of Zacutus Lusitanus, of a melancholic who was always complaining of intangible cold, till he was subjected by artifice to a large quantity of spirits of wine in a state of combustion; he was convinced, from his sensations during this experiment that he was capable of feeling heat, and thenceforth the cold left him. Dr. Haygarth operated very important changes in the bodily functions of several individuals who were as they supposed, brought under the agency of Perkins' tractors, in reality merely acted upon by pieces of rotten wood, or rusty iron;—under this supposition, however, several chronic maladies, which had refused to yield to medicine, were materially mitigated, and at last temporarily cured.

APPREHENSION.

Predictions of death, whether supposed to be supernatural, or originating from human authority, have often, in consequence of the operation of fear, been punctually fulfilled.

A person who was sentenced to be shot, having been deprived unknown to him, was found to expire on the word 'fire' being given, although the pieces were loaded with powder only, and no wound found upon the person.

It is recorded of a person who had been sentenced to be led to death, that, instead of the punishment being actually inflicted, he was made to believe merely that it was so, by causing water, when his eyes were blinded, to trickle down his arm. This mimicry, however, of an operation, stopped as completely the movements of the animated machine, as if an entire exhaustion had been effected of the vivifying fluid. The man lost his life, although not his blood, by this imaginary venesection.

We read of another unfortunate being who had been condemned to lose his head, that the moment after it had been laid upon the block, a reprieve arrived; but that the victim

was already sacrificed. His ear was now deaf to the dilatory merrcy. The living principle had been extinguished by the fear of the axe, as effectually as it would have been by its fall.

In Lesinky's Voyage round the World, there is an account of a religious sect in the Sandwich Islands, who arrogate to themselves the power of praying people to death. Whoever incurs their displeasure, receives notice that the homicide Litany is about to begin; and such are the effects of imagination, that the very notice is frequently sufficient, with these poor people, to produce the effect.

It is related of Uvipertus, who was elected bishop of Raceburg, that on going to Rome to receive the confirmation from the pope, and finding himself neglected and rejected by his holiness on account of his youth, the next night, through grief, the hair of his head was turned grey; and being thus qualified, as to external appearance, he was confirmed in the bishoprick.

The editor of the *Philosophical Magazine* relates a similar circumstance, that came within his own knowledge many years ago in Scotland. Some silver spoons having been mislaid, were supposed to have been stolen; and an expression fell from one of the family, which was either intended, or was so understood by a young lady who acted as governess to the female children, that she had taken them. When the young lady rose next morning, her hair, which before was dark, was found to have changed to a pure white during the night. The spoons were afterwards found, where the mistress of the family had herself deposited them.

CURING A HYPOCHONDRIAC.

A gentleman who had for a long time fancied himself dying of a liver complaint, was advised by Dr. Crawford, of Baltimore, to make an excursion into the state of Ohio. After travelling three months, he returned home, apparently in good health; but, upon receiving information of the death of a twin-brother, who had actually died of a schirrous liver, he immediately staggered, and falling down, cried out that he was dead; and had, as he had always expected, died of a liver complaint. Dr. Crawford being sent for, immediately attended; and, on being informed of the action which had seized the hypochondriac, immediately exclaimed, "O yes, the gentleman is certainly dead, and it is more than probable

his liver was the death of him. However, to ascertain the fact, I will hasten to cut him open before putrefaction takes place." He called for a carving-knife, and whetting it as a butcher would to open a dead calf, he stepped up to him, and began to open his waistcoat. The hypochondriac became so horribly frightened, that he leaped up with the agility of a rabbit, and crying out "Murder! murder! murder!" ran off with a speed that would have defied a score of doctors to catch him. After running a considerable distance, until he was almost exhausted, he halted; and not finding the doctor at his heels, soon became composed. From that period, this gentleman was never known to complain of his liver; nor had he, for more than twenty years afterward, any symptoms of this disease.

THE DEAD ALIVE.

Some hypochondriacs have fancied themselves miserably afflicted in one way, and some in another; some have insisted that they were tea-pots, and some that they were town clocks; one that he was extremely ill, and another that he was actually dying. But perhaps none of this blue-devil class ever matched in extravagance a patient of the late Dr. Stevenson, of Baltimore.

This hypochondriac, after wringing the change of every mad conceit that ever tormented a crazy brain, would have it at last that he was dead, actually dead. Dr. Stevenson having been sent for one morning in great haste by the wife of his patient, hastened to his bed-side, where he found him stretched out at full length, his hands across his breast, his toes in contact, his eyes and mouth closely shut, and his looks cadaverous.

"Well, sir, how do you do? how do you do this morning?" asked Dr. Stevenson, in a jocular way, approaching his bed. "How do I do!" replied the hypochondriac faintly—"a pretty question to ask a dead man!" "Dead!" replied the doctor. "Yes, sir, quite dead. I died last night about twelve o'clock."

Dr. Stevenson putting his hand gently on the forehead of the hypochondriac, as if to ascertain whether it was cold, and also feeling his pulse, exclaimed in a doleful note, "Yes, the poor man is dead enough! 'tis all over with him!—and now the sooner he can be buried the better." Then stepping up to his wife, and whispering to her not to be frightened at the

measures he was about to take, he called to the servant:—
 “My boy, your poor master is dead; and the sooner he can be put in the ground the better. Run to C——m, for I know he always keeps New-England coffins by him ready made; and, do you hear, bring a coffin of the largest size; for your master makes a stout corpse, and having died last night, and the weather being warm, he will not keep long.”

Away went the servant, and soon returned with a proper coffin. The wife and family having got their lesson from the doctor, gathered around him, and howled not a little while they were putting the body in the coffin. Presently the pall-bearers, who were quickly provided and let into the secret, started with the hypochondriac for the church-yard. They had not gone far, before they were met by one of the town's people, who having been properly drilled by Stevenson, cried out, “Ah, doctor, what poor soul have you got there?”

‘Poor Mr. B——,’ sighed the doctor, ‘left us last night.’

“Great pity he had not left us twenty years ago,” replied the other; “he was a bad man.”

Presently another of the townsmen met them with the same question, “and what poor soul have you got there, doctor?”

‘Poor Mr. B——,’ answered the doctor again, ‘is dead.’

“Ah! indeed,” said the other; “and so he is gone to meet his deserts at last.”

“Oh, villain!” exclaimed the man in the coffin.

Soon after this, while the pall-bearers were resting themselves near the church-yard, another stepped up with the old question again, “What poor soul have you got there, doctor?”

‘Poor Mr. B——,’ he replied, ‘is gone.’

“Yes, and to the bottomless pit,” said the other; “for if he is not gone there, I see not what use there is for such a place.” Here the dead man, bursting off the lid of the coffin, which had been purposely left loose, leaped out, exclaiming, “O you villain! I am gone to the bottomless pit, am I? Well, I have come back again, to pay such ungrateful rascals as you are!” A chase was immediately commenced, by the dead man after the living, to the petrifying consternation of many of the spectators, at sight of a corpse, in all the horrors of a winding-sheet, running through the streets. After having exercised himself into a copious perspiration by the fantastic race, the hypochondriac was brought home by Dr.

Stevenson; freed from all his complaints; and by strengthening food, generous wine, cheerful company, and moderate exercise, was soon restored to perfect health.

CHURCH ON FIRE.

Fox, in his Book of Martyrs, relates, that "there was one Mr. Mallary, Master of Arts, of Christ's College, Cambridge, who, for opinions held contrary to the determination of the holy mother-church of Rome, was convened before the bishops, and in the end sent to Oxford, there openly to recant and to bear his faggot, to the terror of the students of that university. It was appointed that he should be brought solemnly into St. Mary's church upon a Sunday, where a great number of the head doctors and divines, and others of the university, were assembled, besides a great number of citizens who came to behold the sight. Dr. Smith, then reader of the divinity lecture, was appointed to make the sermon at his recantation. All things thus prepared, cometh forth poor Mallary with his faggot upon his shoulder; the doctor was also in the pulpit to make his sermon: he had scarce proceeded into the midst thereof, when suddenly was heard in the church the voice of one crying in the street, "Fire! fire!" The occasion of which was, one Heuster, coming from All-hallows parish, saw a chimney on fire; and so passing in the street of St. Mary's church, cried, "Fire, fire," meaning no hurt. This sound of fire being heard in the church, went from one to another, till at length it came to the ears of the doctors, and at length to the preacher himself. These, amazed with sudden fear, began to look up to the top of the church, and to behold the walls; the rest seeing them look up, looked up also. Then began in the midst of the audience, some to cry out, "Fire, fire." "Where?" saith one; "Where?" saith another. "In the church," saith one. The church was scarce pronounced, when in a moment there was a common cry, "The church is on fire, the church is on fire by heretics." Then was there such fear, concourse, and tumult of people through the whole church, that it cannot be declared in words, as it was in deed. After this, through the stir of the people running to and fro, the dust was so raised, that it showed as if it had been smoke. This, and the outcry of the people, made all men so afraid, that leaving the sermon, they began all together to run away; but such was the press of the multitude running in heaps together, that the

more they laboured, the less they could get out: they thrust one another in such sort, that they stuck fast to the door, and there was no moving forward or backward. They then ran to another little wicket on the north side; but there was the like or a greater throng. There was yet another door towards the west, which, though shut, and seldom opened, yet now they ran to it with such sway, that the great bar of iron (which is incredible to be broken) being pulled out, and broken by force of men's hands, the door notwithstanding could not be opened for the press or multitude of people. At last, when they were there also past hope to get out, they were all exceedingly amazed, and ran up and down crying out, that the heretics had conspired their death: one said he plainly heard the fire; another affirmed that he saw it; and a third swore he felt the molten lead dropping down upon his head and shoulders. None cried out more earnestly than the doctor who preached, who in a manner first of all cried out in the pulpit, "These are the subtilties and trains of the heretics against me; Lord, have mercy upon me; Lord, have mercy upon me!"

In all this great confusion nothing was more feared than the melting of the lead, which many affirmed they felt dropping upon their bodies. The doctors, seeing no remedy, that no force nor authority could prevail, fell to entreaty, and offered rewards: one offered twenty pounds; another his scarlet gown, so that any man would pull him out, though it were by the ears. A president of a college pulling a board out from the pews, covered his head and shoulders therewith against the scalding lead, which they feared much more than the falling of the church. One thought to get out at a window; and he had broken the glass, and got his head and one shoulder out; but then stuck fast between the iron bars, and he could move neither way: others stuck as fast in the doors, over the heads of whom some got out. A boy was got up to the top of the church door, and seeing a monk of the college of Gloucester (who had got upon the heads of men) coming towards him, with a great wide cowl hanging to his back, the boy thought it a good occasion for him to escape by, and handsomely conveyed himself into the monk's cowl. The monk got out with the boy in his cowl, and for a while felt no weight or burthen: at last, feeling his cowl heavier than accustomed, and hearing a voice behind him, he was more afraid than when in the throng, believing that the evil spirit

that had set the church on fire, was got into his cowl; then began he to play the exorcist: "In the name of God," said he, "and all saints, I command thee to declare what thou art, that art behind at my back." 'I am Bertram's boy,' said the other. "But I," said the monk, "abjure thee in the name of the inseparable Trinity, and thou, wicked spirit, do tell me who thou art, and from whence thou comest, and that thou go hence." 'I am Bertram's boy,' said he; 'good master, let me go.' When the man perceived the matter, he took the boy out; who ran away as fast as he could. In the mean time, those who were in the streets perceiving all things to be without fear, made signs to them in the church to keep themselves quiet, crying to them there was no danger; but, forasmuch as no word could be heard, by reason of the noise in the church, those signs made them much more afraid than before; supposing all on fire without the church, and that they were bid to tarry therein, and not to venture out, for the dropping of the lead, and the fall of other things; this trouble lasted for many hours. The next day, and week following, there was an incredible number of bills set upon the church doors to inquire for things lost; as shoes, gowns, caps, purses, girdles, swords, and money; and in this tumult, few but, through negligence or forgetfulness, left something behind them. The heretic, who, through this hurlyburly, had not done his sufficient penance, was the day following taken to the church of St. Frideswide, where he supplied the rest of his plenary penance. This ridiculous accident, adds Fox, happened anno 1541, in the reign of King Henry the Eighth.

ENTRANCING.

Hieronymus Cardanus, of Milan, writes of himself, that he could pass as often as he pleased into such an ecstasy, as only to have a soft hearing of the words of such as spoke to him, but not any understanding of them. Nor at such times was he in the least sensible of any bodily pain; though troubled with the gout, he felt none of its twitches or pullings. The beginning of the transition was at first in the head, and thence it spread all down the back bone. At first he could find a sort of separation from the heart, as if the soul was departing; and this was communicated to the whole body, "as if a door opened." He adds, that he saw all he desired with his eyes, and that images of whatever he wished to summon before him, woods, mountains, living creatures, &c. appeared dis-

finctly. Cardanus ascribes this extraordinary faculty to an extreme vivacity of imagination; but something more seems required to account for it. He had probably, in his physical organization, some share of the same transitive power which has, in later times, been so memorably exemplified in the case of Colonel Townshend, thus related by Dr. Cheyne:

“ Colonel Townshend, a gentleman of honour and integrity, had for many years been afflicted with a nephritic complaint. His illness increasing, and his strength decaying, he came from Bristol to Bath in a litter, in autumn, and lay at the Bell Inn. Dr. Baynard and I (Dr. Cheyne) were called to him, and attended him twice a day; but his vomitings continuing still incessant and obstinate against all remedies, we despaired of his recovery. While he was in this condition, he sent for us one morning; we waited on him, with Mr. Skrine, his apothecary. We found his senses clear, and his mind calm; his nurse and several servants were about him. He told us he had sent for us, to give him some account of an odd sensation he had for some time observed and felt in himself; which was, that, composing himself, he could die or expire when he pleased, and yet by an effort, or some how, he could come to life again: which he had sometimes tried before he sent for us. We heard this with surprise; but as it was not to be accounted for from common principles, we could hardly believe the fact as he related it, much less give any account of it; unless he should please to make the experiment before us, which we were unwilling he should do, lest, in his weak condition, he might carry it too far. He continued to talk very distinctly and sensibly, above a quarter of an hour, about this surprising sensation, and insisted so much on our seeing the trial made, that we were at last forced to comply. We all three felt his pulse first; it was distinct, though small and thready; and his heart had its usual beating. He composed himself on his back, and lay in a still posture some time; while I held his right hand, Dr. Baynard laid his hand on his heart, and Mr. Skrine held a clean looking-glass to his mouth. I found his pulse sink gradually, till at last I could not feel any, by the most exact and nice touch. Dr. Baynard could not feel the least motion in his heart, nor Mr. Skrine the least soil of breath on the bright mirror he held to his mouth; then each of us, by turns, examined his arm, heart, and breath, but could not, by the nicest scrutiny, discover the least symptom of life in him. We reasoned a long

time about this odd appearance as well as we could, and all of us judging it inexplicable and unaccountable, and finding he still continued in that condition, we began to conclude that he had indeed carried the experiment too far, and at last were satisfied he was actually dead, and were just ready to leave him. This continued about half an hour. As we were going away, we observed some motion about the body, and upon examination, found his pulse and the motion of his heart gradually returning; he began to breathe gently, and speak softly; we were all astonished to the last degree at this unexpected change, and after some further conversation with him among ourselves, went away fully satisfied as to all the particulars of this fact, but confounded and puzzled, and not able to form any rational scheme that might account for it."

SIGNS AND TOKENS.

The people of Reading were a few years ago thrown into considerable uneasiness, by certain strange signs and tokens with which their bread came impressed to them from the oven. One old lady could distinctly trace at the bottom of a loaf which she received, the outlines of a death's head and cross bones, and was so shocked at what she imagined to be a most appalling omen, that she immediately took to her bed. Another person, in the bloom of life and health, saw imprinted in most legible characters, "Died 20th of September," and concluded that fate had taken this mode of warning her of the day which it was appointed unto her to die. The bread of a third was marked in large, but not bold letters, with the word "*Resurgam*." The amazed purchaser showed the loaf to an ingenious neighbor, who discarding the idea of any supernatural agency, thought that the word might be a harmless device of the baker's, to intimate his wish that bread might rise in price. The wits of the whole parish were soon at work to account for these marvellous appearances; and the inquiry which ensued, led to the following simple, though certainly not very creditable solution of the mystery:

It appeared that in consequence of some alterations in St. Giles' church-yard, several large flat tomb-stones had become superfluous articles, since the persons over whom they had been placed had sunk into the narrow house at so distant a period, that no friend lived to insist on the dead retaining the little privilege of that sculptured *Hic jacet*, which duty or affection contributed to their memory. It happened that the

church-warden for the time was chief baker of the town, and he looked with a longing eye on these nice flat polished stones, for his oven wanted fresh bottoming. Whether he went to church or came out of church, it was all the same; he never passed the flat polished stones, but he thought of the bottom of his oven. In a bold hour he winked at parochial duty, removed the tablets, and gratified his breast by placing them in that fiery place, which he thought sacred from all eyes but his own. But the stones, though nicely polished by the wear of years, yet retained some marks of their original destination, and these cherished traces they very naturally imparted to the bottom of the baker's bread.

HAUNTED BED-ROOM.

Professor Gassendi, in one of his letters, says, that he was consulted by his friend and patron, the Count D'Alais, governor of Provence, on a phenomenon that haunted his bed chamber, while he was at Marseilles on some business relative to his office. The Count told Gassendi, that for several successive nights, as soon as the candle was taken away, he and his Countess saw a luminous spectre, sometimes of an oval, and sometimes of a triangular form; that it always immediately disappeared when a light was brought into the room; that he often struck at it, but could discover nothing solid. Gassendi, as a natural philosopher, endeavored to account for it; sometimes attributing it to some defect of vision, or to some dampness of the apartment; insinuating, that perhaps it might be sent from heaven to him to give him warning in due time of something that would happen. The spectre still continued its visits all the time that he stayed at Marseilles. Some years afterward, on their return to Aix, the Countess D'Alais confessed to her husband that she played him this trick, by means of one of her women placed under the bed with a phial of phosphorus, with an intention to frighten him away from Marseilles, a place in which she disliked to live.

PRODIGAL RECLAIMED.

The tutor of a noble youth having vainly endeavored, by all persuasions, to reform the dissolute manners of his pupil, which disgraced his birth and ancestors, and despairing of doing any good, had, by the advice of the celebrated Boerhaave, who relates the story, recourse to a chemical strati-

gem, which succeeded to his wish. As the graceless youth lay asleep in the same chamber with his tutor, the latter rose privately in the middle of the night, and upon the bed within the bed-tester, near the feet of the person asleep, wrote his name in large letters with phosphorus, adding three other words to admonish him to repent, or expect present death. This done, he retires privately to bed, and making a noise soon after, wakes the youth; but seems himself all the while fast asleep. The young profligate, startled with the noise, rears himself in the bed, and anxiously calls out to know the cause of the disturbance. He received no answer; and looking about, sees with horror the blue blazing letters! He awakes his companion, and points out to him the writing. The latter protesting that he could see nothing, helped to increase his fright. Servants were then called to bring candles; upon the appearance of which the words disappeared. The servants too, as previously instructed, denied that they saw any thing; and the prodigal himself, on looking again, was surprised to find that the writing had vanished. The servants quit the room, leaving a candle, which shone upon the board; the tutor staying with his affrighted disciple, persuaded him to go to sleep, ascribing what had passed to a dream. Returning himself to bed, he puts out the light; but the poor youth no sooner casts his eyes towards the fatal place, than the same letters appear anew. All again is lamentable outcry. The tutor now feigning himself affrighted, owns with trembling that he sees the letters, and takes the opportunity to advise his ward to obey the miracle, and repent in earnest. Candles were then brought in afresh; the patient (for so he may well be called) was removed to another room; the tutor or physician sat up with him the rest of the night; and such was the permanent impression made on the mind of the youth, that from that moment he became remarkable for the virtuous steadiness of his life.

SEIZING A GHOST.

Madame Deshoulières, the French poetess, was invited by the Count and Countess de Larneville, to pass some time at their chateau, several leagues from Paris. On her arrival, she was freely offered the choice of all the bed-chambers in the mansion, except one, which, from the strange noises that had been for some time nocturnally heard within it, was generally believed to be haunted, and as such had been proscri-

bed. Madame Deshoulières was no sooner informed of this circumstance by her friends, than to their great surprise and terror, she immediately declared her resolution of occupying this dreaded room, in preference to any other. The Count looked aghast as she disclosed this determination; and in a tremulous voice entreated her to give up so rash an intention, since however brave curiosity might at present make her, it was probable that she might pay very dearly for its gratification. The Countess observing that all that her husband said failed of intimidating the high-spirited Madame Deshoulières, now added her persuasions, to divert her friend from an enterprise from which the bravest man might shrink appalled. All the arguments that could be urged, were insufficient to shake the determined purpose of the adventurer. Her courage rose superior to these representations of the dangers to which she was going to expose herself, because she was convinced that they owed their colouring to superstition acting upon weak minds; she entertained no faith in the "fleshy arm" of a departed spirit, and from an immaterial one her life was safe. Her noble host and hostess pleaded, pitied, blamed, but at length yielded to her wish of taking possession of the haunted chamber. Madame Deshoulières found it grand and spacious; the windows dark from the thickness of the walls; the chimney antique, and of cavernous depth. As soon as Madame was undressed, she stepped into bed, ordered a large candle to be placed in a bracket which stood on a stand near it, and enjoining her chamber maid to shut the door securely, dismissed her. Having provided herself with a book according to custom, she calmly read her usual time, and then sunk to repose. She was soon roused by a noise at the door; it opened, and the sound of footsteps succeeded. Madame Deshoulières immediately decided that this must be the supposed ghost, and therefore addressed it with an assurance that, if it hoped to frighten her from her purpose of detecting the impostor which had created such foolish alarm throughout the castle, it would find itself disappointed in the attempt, for she was resolutely bent on penetrating and exposing it at all hazards. No answer was returned; the threat was reiterated, but all to no purpose. At length the intruder came in contact with a large screen, which it overturned so near the bed, that getting entangled in the curtains, which played loosely on their rings, they returned a sound so sharp, that one under the influence of fear would have taken it for

the shrill scream of an unquiet spirit; but Madame was perfectly undismayed, as she afterwards declared. On the contrary, she continued to interrogate the nocturnal visitor, whom she suspected to be one of the domestics, but it still maintained an unbroken silence, though nothing could be less quiet in its movements, for it now ran against the stand on which stood the heavy candle and candlestick, which fell with a thundering noise. At length, tired of all these exertions, it came and rested itself against the foot of the bed. Madame Deshoulières still retaining her self-possession, immediately exclaimed, "Ah! now I shall ascertain what thou art;" at the same time she extended both her hands towards the place against which she felt that the intruder was resting. They came in contact with two ears, soft as velvet, which she firmly grasped, determined to retain her hold, until the morning should lend its light to discover to whom or to what they belonged. Day at length released her from the awkward, painful position in which she had remained for so many hours, and discovered her prisoner to be Gros Blanc, a large dog belonging to the chateau, and as worthy, if faith and honesty deserve the title, as any of its inhabitants. Far from resenting the bondage in which Madame Deshoulières had so long kept him, he licked her hands; while she enjoyed a hearty laugh at this ludicrous end to an adventure, for the encounter of which she had braced her every nerve.

In the meantime the Count and Countess, wholly given up to their fears, had found it impossible to close their eyes during the night. The trial to which their friend had exposed herself, grew more terrible to their imagination the more they dwelt upon it, till they at length persuaded themselves that death would be the inevitable consequence. With these forebodings they proceeded as soon as it was light to the apartment of Madame Deshoulières: scarcely had they courage to enter it, or to speak when they had done so.

From this state of petrification they were relieved, by their friend undrawing her curtains, and paying them the compliments of the morning with a triumphant look. She then related all that had passed with an impressive solemnity; and having roused intense curiosity to know the catastrophe, she said, "Monsieur, you shall no longer continue in an illusion, which long indulgence has endeared to you. There (pointing to Gros Blanc) is the nocturnal visitor, whom you have so long taken for the ghost of your mother;" for such the

Count had concluded it to be, from his mother having been the last person who died at the chateau. "I will now," continued the heroic lady, "complete my task, and emancipate your mind from the shackles of superstition, by proving to you, that all which has so long disturbed the peace of your family, has arisen from natural causes." Madame arose, made her friends examine the lock of the door, the wood of which was so decayed, as to render the locking of it useless against a very moderate degree of strength. This facility of entrance had been evidently the cause of Gros Blanc, who liked not sleeping out of doors, making choice of this room. The rest is easily accounted for: Gros Blanc smelt, and wished to possess himself of the candle, in attempting which he committed all the blunders, and caused all the noises which had disturbed the silence of the night; and he would have taken possession of the bed also, if he had not given the lady an opportunity of seizing his ears. Thus are the most simple events magnified into omens of fearful and supernatural agency.

MARSHAL SAXE.

The celebrated Marshal Saxe having arrived with a part of his army at a village where they were to pass the night, proposed sleeping in an apartment in an old castle, which had been long neglected, and was believed to be haunted by spectres, whose nightly yells were often heard by those who dwelt beneath its walls. It was not to be supposed that a warrior like Marshal Saxe was to be terrified by such reports, from taking possession of his destined chamber. He accordingly went to bed at his usual time; but had not been long asleep, before he was awaked by the most horrid noise his ears had ever heard; and while he was endeavouring to recollect himself, the door of his chamber opened, and a human figure of very large dimensions appeared at the side of his bed. The marshal instantly discharged his pistol at the supposed spectre, which appeared to strike him, as he fell upon the floor; he then rose from his bed, and aimed a stroke of his sabre at the figure: but the blade found a resistance, and shivered in his hand. At this moment the apparition rose, and beckoned the Marshal to follow; he obeyed the summons, and attended him to a long gallery, where a trap-door opened, and they sunk into a cavern, which communicated with a subterraneous apartment occupied by a band of coiti-

ers, one of whom, clad in complete armour, traversed the castle every night, to deter any person from inhabiting it. It thus appeared that the steel had resisted the ball, and shivered the Marshal's sword; but the villain was knocked down by its force, from which he, however, quickly recovered. Marshal Saxe, with his usual presence of mind, told them who he was, and laid before them the danger of detaining him, when he had a surrounding army, who would dig to the centre of the earth to find him; but, at the same time, gave them an assurance, that if they would conduct him back to his chamber, he would never relate the history of that night while it could do them harm. The coiners paid a ready obedience to his will, and he kept his word with them, till a subsequent discovery of their retreat gave him full liberty to relate this extraordinary story.

A GHOST'S EVIDENCE.

On a trial once held in Maryland, the principal witness grounded all his charges on the information of a *ghost*! The following narrative, selected from an old Magazine, may probably exhibit that species of evidence in a correct point of view:—

A farmer, on his return from the market at Southam, in the county of Warwick, was murdered. A man went the next morning to his wife, and inquired if her husband came home the evening before—she replied no, and that she was under the utmost anxiety and terror on that account. Your terror, said he, cannot equal mine, for last night, as I lay in bed, quite awake, the apparition of your husband appeared to me, showed me several ghastly stabs in his body, told me he had been murdered by such a person, and his carcase put into such a marble pit.

The alarm was given, the pit searched, the body found, & the wounds answered the description given of them. The man whom the ghost had accused of murder was apprehended and committed on a violent suspicion of murder. His trial came on at Warwick, before the Lord Chief Justice Raymond, when the jury would have convicted, as rashly as the justice of the peace had committed him, had not the judge checked them. He addressed himself to them in words to this purpose:—
 “I think, gentlemen, you seem inclined to lay more stress on the evidence of an apparition, than it will bear. I cannot say that I give much credit to these kind of stories; but be that

as it will, we have no right to follow our own private opinions here: we are now in a court of law, and must determine according to it: and I know not of any law now in being which will admit of the testimony of an apparition; not yet, if it did, doth the ghost appear to give evidence. "Crier," says he, "call the ghost," which was thrice done, to no manner of purpose: it appeared not. "Gentleman of the jury," continued the judge, "the prisoner at the bar, as you have heard by undeniable witnesses, is a man of the most unblemished character, nor hath it appeared in the course of the examination, that there was any manner of quarrel or grudge between him and the party deceased. I do verily believe him perfectly innocent, and as there is no evidence against him either positive or circumstantial, he must be acquitted. But from many circumstances which have arose during the trial, I do strongly suspect that the gentleman who saw the apparition, was himself the murderer, in which case he might easily ascertain the pit, the stabs, &c. without any supernatural assistance; and on such suspicion, I shall think myself justified in committing him to close custody, till the matter can be further inquired into." This was immediately done, and a warrant was granted for searching his house, when such strong proof of guilt appeared against him, that he confessed the murder, and was executed at the next assizes.

It is hoped that this simple relation of a matter of fact, now on record, will be a sufficient cause to others, not to be ever hasty in giving credit to the testimony of apparitions.

THE BARBER'S GHOST.—*A Fact.*

A gentleman travelling some years since in one of the southern States, called at an inn, and requested entertainment for the night. The host informed him, that it was out of his power to accommodate him, as his house was already full. He entreated him to lodge him, as he was almost exhausted with travelling, as well as his beast. After much solicitation, the host consented to entertain him, *provided* he would sleep in a certain chamber that had long remained unoccupied, in consequence of a belief that it was haunted by the ghost of a barber, who was reputed to have been murdered in that room a number of years since. "Very well," said the guest, "I am not afraid of the ghost—take care of my horse, and prepare me some supper." After taking some refreshment, he inquired of the host how and in what manner

the chamber in which he was to lodge, was haunted. The host replied, that those who had lodged in the room, stated, that shortly after they retired to rest, an unknown voice was heard, in a trembling and protracted accent, saying, "*Do you want to be sha-ved?*" "Well," replied the guest, "if he comes, I will let him shave me." He then requested that he might be shown to the apartment; in going to which, he was conducted through a long room, where were seated a great number of persons at the gaming table. Feeling a curiosity which almost every one possesses, after having heard 'ghost stories,' he carefully searched every closet in his apartment, but could discover nothing but a large basin. He then went to bed; but feeling much fatigued, he did not close his eyes to sleep immediately, (which is often the case when one is excessively tired) and in a few moments he imagined he heard the voice as represented to him by the host. He arose from his bed, and searched every part of his chamber, but could discover nothing. He then went to bed, but no sooner had he begun to compose himself to sleep, than the question was repeated. He then arose and went to his window; the sound appeared to proceed from that quarter, and stood awhile silent. After a few moments of suspense, he again heard the sound distinctly. Convinced that it was from without, he opened his window, when it was repeated full to his ear. On closer examination he observed that the limb of a "venerable oak," which stood under his window, projected so near to the house, as on every breath of wind to grate against the shingles, creating a sound resembling the interrogation "*Do you want to be sha-ved?*" Having satisfied himself that this ghost was nothing more or less than the limb of a tree, coming in contact with the house, he again went to bed, and attempted to go to sleep; but was interrupted by peals of laughter in the room below, where the gamblers were assembled. Thinking he could turn his discovery to his own advantage, he took the sheet from his bed, and wrapped it around him, and taking the basin in his hand, descended to the room of the gamblers, and suddenly opening the door, rushed in, exclaiming in a tremulous voice, "*Do—you—want—to—be—sha—ved?*" Terrified at this sudden interruption, they left the room in the greatest confusion; some tumbling down stairs over the heads of others. He then deliberately put his basin under the table, and gathered an immense sum of money into it, which had been left thereupon, secured it, and retired peaceably to rest.

The next morning on going below, he found the house in the utmost confusion. They immediately asked him if he enjoyed a good night's rest. He replied in the affirmative. "Well, no wonder," said the host, "for the ghost, instead of going to his usual place, made a mistake, came into our room, and carried off every cent of our money!" The guest, without being the least suspected, quietly ate his breakfast, and departed with his valuable treasure.

JOHN BULL AND BROTHER JONATHAN.

During the late war, a small schooner, laden with silks, wines and brandy, belonging to Stonington, Connecticut, was hailed on her homeward passage from France, by a British armed brig, when the following dialogue took place between the commanding officer of the brig and the master of the schooner:

Officer. Schooner ahoy!

Yankee. Hallo.

Officer. Who commands the schooner?

Yankee. Why Brother Jonathan us'd to, but I do now.

Officer. Brother Jonathan!—who the d—! is Brother Jonathan?

Yankee. Why you must be a darn'd fool not to know Brother Jonathan—every body in town knows him.

Officer. Send your boat on-board.

Yankee. I don't know whether I shall or not; for the boat's all soggy, and I ain't got no new clothes—Brother Jonathan's got a new coat, if he's amind to go he may, but I'm sure I shan't.

Officer. Strike!

Yankee. Strike! Why I ain't got nobody here to strike but father, he's cooking, and he's crazy; and if I strike him he'll strike right back again, so it's no use.

Officer. What are you loadet with?

Yankee. Bale goods, and hens, and hen's husbands, and hobgoblins, and long-faced gentry.

Officer. Where are you bound to?

Yankee. S-t-o-n-i-n-g-t-o-w-n.*

Officer. Where's your "bale goods?"

* By this time, Brother Jonathan had boarded the brig, where he was compelled to remain until the schooner was examined by the British officer.

Yankee. There they be.*

Officer. You d—d fool, do you call them "bale goods?"

Yankee. Why sartin; Don't you?

Officer. Where's your "hens and hen's husbands?"

Yankee. There they be, in that are coop there.

Officer. Where's your "hobgoblins?"

Yankee. There they be, in that are tother great large coop there.

Officer. Where's your "long fac'd gentry?"

Yankee. There they be, in that are pig sty.

Officer. Have you got any thing to drink on board?

Yankee. We had some rum when we come away, but the cag's away down under the load there, and if you try you can't get it, so it's no use.

The British officer having received but little satisfaction, and having, no doubt, become disgusted at the seeming ignorance of the *Yankee*, returned on board of his brig; and, after ordering Brother Jonathan a dozen strokes, to teach him wisdom, left the *poor simple creatures* to take care of themselves! A few days afterwards, the vessel arrived at Boston with a cargo valued at *one hundred thousand dollars!*

YOUTHFUL GALLANTRY.

In the late conflict between the United States frigate *President*, and the British ship of war *Little Belt*, a gunner's boy on board the frigate who had his arm broken by a shot, while under the hands of the surgeon in the cockpit, requested that he would make haste in dressing his wound, that he might get on deck again. On the surgeon's asking him what he could do on deck, wounded as he was, the little American replied, "If I can do no more, *I can at least carry cartridges and be shot at.*" The heroism of this lad has attracted the earnest attention of the Secretary of the Navy.

From the Desk of POOR ROBERT the SCRIBE.

"A gill a day—the thing is clear,
Twenty three gallons makes a year,
Now this would buy a cow and keep her—
Two suits of clothes—a score of sheep, or
Twenty good things than brandy cheaper." OLD SONGS.

There is a pleasant little village which stands on the borders of a small lake in the western part of Connecticut. A

* Pointing to some bundles of clapboards and shingles, which he took with him on his outward passage, as a covering for his cargo.

tavern, the only one in town, kept at the sign of the Grey Goose, entertained the passing stranger, and in the winter-evenings was the place where we held our dances—for old Robert used to dance in his young days. I remember well the merry evenings I have enjoyed there, and methinks I could still “tire down” the puny striplings of the present day.

Among the companions of our recreations were two, whose vivacity and wit, I could not but admire—and whose good nature and virtues I could not but love.—ABSALOM ACTIVE was the eldest of my friends; his father was poor, but he gave Absalom a good common education, and then bound him an apprentice to a respectable waggon-maker of the town.—When I saw Absalom last, before my late visit to Applebury, it was his birth and wedding night. Just twenty-three years old, he married black-eyed Susan, as we called her—and she might as well have been called red lip’d Susan, for I never saw cherries redder. He had taken a shop for himself, and having got a journeyman from New-York, had added the making of chaises to his old business.

Absalom was frugal, above all Absalom was TEMPERATE. “Grog and I,” he used to say, “are sworn enemies.” Not but now and then he would take a glass of wine, or mug of flip with a friend; but he drank sparingly.—They do say, though, that on the fourth of July, his eyes sparkled a little, and he could not say Shibolet for the soul of him. But that’s neither here nor there: he was a sober man.

And what do you think was the consequence? Why, when I went to Applebury last October, who should I hear ‘em talk of but the good Squire Active. Why he has money to lend! he owns two of the best farms on the south side of the lake—the poor all bless him, he now rides in his coach, on which is painted a *Bee*, an *Ant*, and a *Glass up side down* with this motto—“INDUSTRY—TEMPERANCE—*By these I ride.*”

EDWARD EASY, my other friend and companion, received from his father a fortune of five thousand pounds. At the age of nineteen he took his degree at Yale, with singular honor. The study of the law suited best his capacity and inclination: he studied this science under the most approved masters, and at twenty-three he appeared at the bar. I never shall forget the day when he made his first plea.—All Applebury went down to hear him, for Edward was a favorite of the people; and well he might be, for there wasn’t a single one in all the village, but could tell of some good and kind thing he had done.

The cause he plead for a poor widow woman. You may remember—it was old Mrs. Rodgers, who sold ginger-bread and beer just above the stocks and whipping-post, north of the meeting-house. She had an only daughter, a sweet little rose-bud just seventeen, who was the solace and delight of her life.—An unfeeling landlord demanded the sacrifice of Mary, or threatened her ruin.

Well, the court was opened—the witnesses examined—and it came to Edward's turn to speak. He rose—O! he was a handsome man, but now his cheeks look'd pale—his lips trembled—and his white hand shook. My heart trembled for fear he would not go on—by and by his voice rose—his cheeks returned to their color—he raised his arm most gracefully, and his eyes sparkled—you might have heard a pin fall. He in one moment did stir up the feelings so against the hard hearted landlord, that every one was in a rage. And then painted the sufferings of the widow and orphan—in spite of me I cried like a child. I never loved him half so well in my life. Our parson, I remember, said that “the oil of eloquence was on his tongue, and the honey of persuasion distilled from his lips.”

I left him just on the eve of being married to Eunice Heart-free. She was worthy of him, she danced delightfully—sung sweetly—could spin fifty knots a day, and the parson's wife was heard to say that “she made the best pudding of any one in the village, except herself.”

Now until the first of October, I had not been to Applebury for eighteen years.—Just as the old town clock struck four, I entered the village. My heart fluttered. I looked anxiously around in hopes to meet the welcome of my friends. A gloom and sullen stillness seemed to pervade the village. Presently the bell tolled—a funeral procession approached—I alighted at the inn, and immediately inquired who was dead. “Alas the day! (exclaimed the old tavernkeeper who did not know me) there goes the remains of a man, who eighteen years ago was the most promising youth in all the country. Fortune—education—genius, all united to render him every thing. But the morning bitters—the noontide dram—and the evening sling, have withered the finest flower in nature's garden. Poor Easy! God rest him!”

Edward had been **INTEMPERATE**.—Intemperance begat idleness and neglect of business—poverty and wretchedness followed—and he who might have reflected honor on his

country, poisoned by grog, died a beggar. But 'men of genius tread lightly on his ashes, for he was your kinsman,' and if you would avoid his fate, declare with my friend Active, that 'you and grog are sworn enemies.'

A GOOD EXAMPLE.

Colonel B—— was a man of amiable manners, and a well informed mind. Being much employed in public business, which called him from place to place, ardent spirits was often set before him, with an invitation to drink. At first he took a social glass for civility's sake. But at length a habit was formed, and appetite began to crave its customary indulgence. He drank more largely, and once or twice was quite overcome. His friends were alarmed. He was upon the brink of a precipice, from which many have fallen to the lowest pitch of wretchedness. In his sober hours he saw the danger he was in. Said he to himself, one day when alone, "Shall Colonel B—— rule, or shall rum? If Col. B—— rule, he and his family may be respectable and happy. But if rum rule, Col. B—— is ruined, his property wasted, and his family made wretched." At length, said he, "Colonel B—— shall rule, and rum obey." And from that day Colonel B—— did rule. He immediately broke off his intemperate habits and lived to a good old age, virtuous, respected and happy. Let every one who has acquired, or is acquiring a similar habit, "*go and do likewise.*"

IMPORTANT DISCOVERY.—From a Maine Paper.

A few weeks since, being belated in the afternoon about doing an errand a few miles distance, I resolved to attend to it early in the morning. I awoke, and hasted from my bed, and immediately heard the clock strike. I counted four; sure, thought I, here is some mistake. It was broad day, and but four. I could not account for it; but I saddled my horse, and trotted off. It was actually as light as the evening is after sunset. The air was cool, and refreshing. It seemed a matter of enchantment.—My coltish old dobbin seemed to enter into the life of the jaunt, and I arrived home to my breakfast full of health and good humour. I rose every morning at four, went into the field, and found it light enough to work. The thought struck me that a couple of hours labour before breakfast would amount to a great deal. I have followed it up ever since—my fields never looked better—nev-

er had so fine health and spirits; and my very conscience seems improved. My wife enters with her whole heart into the family revolution. My boys are ambitious who shall give the first call. My three girls used to be rather pale and languid; but since their early rising, their eyes are as the dew drops of the morning, and their cheeks brighter than the blossoms of the field. Our breakfast table is adorned with clean dishes, and sweet milk and butter. The cows themselves, which go to the pasture an hour and a half earlier than they used to go, seem to enter into the family improvement, and my wife even insists that they actually give more milk than formerly. One thing more I did not mean to mention, as it is a family affair; but as it is the best of all, I will hint it for the encouragement of other girls. My eldest daughter Sarah was eighteen six years ago, was thin featured, and never seemed to get along, as to prospects, in so promising a way as some others. But these mornings have made her appear half a dozen years younger, and six times as handsome: and between ourselves, my neighbour Ducon's son, one of the most steady, industrious sons which a father could wish, has been coming and going, and has to-day asked me a question, which I think is to end in something.

Since my practice of early rising, I have observed some farmers, the sun an hour or two high, in the morning, half dressed, calling out, "The cattle in the grain! shooboy! shooboy! Whose are they? Plague on 'em! drive 'em to pound." The discovery which I have made is, that these are generally those families that sleep and snore away the morning.

A FARMER

From the *Portsmouth Journal*.

HALF AN HOUR TOO LATE.

MR. EDITOR—The example of my cousin Peter Telegraph has at last determined me, though I fear somewhat too late for your paper, to send you a short account of myself, and to ask your advice in my affairs. I had in truth, determined to write to you last week; but something or other put it out of my head, just as I was going to sit down, and I have now hardly time to tell you half my story.

I was born, Mr. Editor, *half an hour too late*; and though I have been in a hurry all my life, I have never been able to get back that single half hour. People may talk as much as they will about "redeeming the time;" the thing is impossi-

ble. If the wheel had been turned back just half an hour, when I was a boy, it would have changed the whole tenor of my life.

The first thing I can recollect of my early childhood, is that I was always in difficulty—always *half an hour too late*. When I got up in the morning, which I seldom did till mother had coaxed me, and my father threatened me, some four or five times each, I generally found the breakfast table cleared, my bread cold, and not unfrequently my bowl of milk half devoured by the cat. I used then to swallow the milk, (and half the time in my hurry spill it in my bosom) put the bread in my pocket—snatch up my wrapper and hat, and without stopping to put them on, hasten away to school. I was *half an hour too late*. Six times a week, I used to be punished for idleness, and generally two or three times more for eating my breakfast in school: besides being kept in, and finding myself too late for dinner for not reciting with my class in the morning. And all this arose from setting up *half an hour too late* at night. I was often scolded, and sometimes whipped for it: went to bed crying, and in consequence overslept myself half an hour the next morning.

Thus passed the days of my childhood.—When I was fourteen years old, I was placed in the shop of an English goods dealer; and though I certainly worked very hard, and was always out of breath, no better luck attended me there. That wicked half hour was never to be found. Take one day as a specimen of the rest. I sat up late one night, in copying some letters, which ought to have been done the preceding afternoon. The next morning I arose *half an hour too late*. I could not arrange the goods in the shop before customers came in; in the course of the day every thing got in confusion. Taking the advantage of a little leisure, I began to put the goods in place—then remembered the letters which I had copied, and which were of great importance—ran to the post-office, and found the mail had been gone *just half an hour*. I came back in some perplexity, and resolved to be more punctual for the future. That I might carry this resolution into immediate effect, I went to the desk and began to draw off an account, which my master had directed me to carry to an attorney, early in the morning. I was summoned away to carry home a bundle of silk which a lady had just purchased; but determined to be right for once, I laid the bundle on the desk, and completed the account. When it

was finished, I carried it to the lawyer, and found that the debtor had failed in the course of the forenoon, and that I was *half an hour too late* to save any thing. I spent two hours in endeavoring to find other property to attach, but without success; and then towards evening carried home the silk. The lady was gone to a ball; and after waiting for me till her patience was exhausted, had sent to another shop—I was too late.

My master when he heard these circumstances, very gravely predicted my ruin, and dismissed me from his employment. I then shipped on board a vessel which was bound to Europe, and pleased my fancy for some days with the tho't of visiting distant countries, and seeing strange sights.—I even put on some airs among my acquaintance, and began to speak with contempt of those who had always lived at home. But the morning of my departure arrived; and notwithstanding the bustle and excitement, it was painful to leave home, perhaps forever. I took my leave of my father, received my mother's warm kiss, lingered for a moment with my sisters, and hurried down to the wharf.—The ship had sailed *half an hour!*

What became of me next—how I went to work on a farm, and got my hay in, half an hour after it began to rain, and brought my potatoes to market half an hour after the shipper had completed his cargo: how I abandoned this in despair and became a merchant—how I insured one vessel, half an hour after she had arrived in port, and another one, half an hour after letters were in the post-office announcing her loss—how I purchased on speculation the notes of a dealer of doubtful credit, half an hour after all his property was attached, and how I became a bankrupt myself, it is unnecessary now to relate. My usual ill luck followed me; I was *half an hour too late* for every thing.

When I was twenty-three years of age, I was deeply in love with a young lady of great beauty and virtue. I paid such attention as my feelings dictated, and such as are usually powerful enough on young ladies; but some how or other, I was always too late. If I went to a ball with her, the drawing had commenced before we arrived, and we had to take our station at the foot of the dance. If I invited her to walk, I was not ready to set out till the wind had changed to the eastward, and it was too cold to walk far; still I hoped I had made a favorable impression upon her; and after delaying it

for some time that I might be surer of success, I ventured at last to disclose my passion to her. She cast down her eyes, and blushed, and looked agitated. My hope was almost triumphant. I threw myself at her feet, and, with a load of suppressed emotion she entreated me to rise—she hoped there had been no misapprehension, but a regard to herself and to me equally required plain dealing. She had engaged herself to my rival *half an hour before*. That wicked half hour!

I am now, Mr. Editor, forty-five years old, a bankrupt and a solitary bachelor. I have been to the best of my recollection, out of breath with hurry all my life; and yet I have always been *half an hour too late*. How shall I get half an hour? Where is leisure to be found? I have kept my dinner cooling, on the table, while I have written these hasty lines to you. My old house-keeper, who knows my habits, tells me that there is one comfort in store for me—that I shall not die till *half an hour after my time comes*. What think you of it? In much haste yours,

PETER PUFF.

From the Desk of POOR ROBERT the SCRIBE

Keep your bedsteads free from bugs :
Air your sheets and clean your rugs :
Let your cookery be neat :
Set the table snug and sweet :
Bid the boy the boots to clean :
Then the stranger'll call again.

On my last journey to Applebury, I kept a memorandum of whatever happened on the road worthy of observation. Many sage and notable remarks and adventures, I leave for the publisher of my posthumous works to arrange and give to the world. I now labor, not for fame or fortune, but for the comfort of my fellow-men, who are obliged to travel. And now all you tavern-keepers, who live between Franksburgh and Applebury, whether in cities, villages, or in the country, I pray you read this—and if you are not downright numbskulls, you cannot fail to derive some advantage from the perusal.

Well, as I was telling you, I started from Applebury on old Dobbin. He could not rack an amble like the learned ponies of the present day; but a right old fashioned Narraganset pacer; a sure foot and good spirits, together with great gentleness, rendered thee, old Dobbin, as far superior to them, as our fathers were superior to their degenerate sons. The season was fine and the way pleasant. At night on the third

day of my journey, half dead with hunger and fatigue, I stopped at a large and respectable looking tavern in Slopewell, at the sign of the bear and fiddler—ordered my horse up, and called for supper. Alas, poor Robert, thought I, looking round the large and dirty bar-room, this promises but poor accommodations. I would have proceeded further, but was absolutely too much jaded to think of moving a step. The table was spread, with a dirty cloth, and half a dozen children bedaubed from ear to ear with candy and dirt hung round it, pulling at the bread, and hauling the dishes out of place. The good hostess, (I shall never forget her ladyship) presently entered with a plate of sausages, her hair like quills upon the fretful Porcupine, erect and loose, occasionally swept in charming negligence through the gravy. I must however do her the justice to say that she scolded the children in a voice like Van Corlaer's trumpet, for their forwardness.

I could easier bear the pawing of the children than the din of the mother, and in kind accents "asked the sweet little girl to come and speak to me." Next to flattering a woman's self, you can't please her better than to flatter her children. The tone of the good woman instantly changed. "Dolly, my dear, cried she, run and buss the man." Dolly ran to give me the buss. It would have *peased* a stronger stomach than *mlae*. I had not time to consider, so taking up the young one, I turned from the mother, and scowled my face as grimly as hunger, fatigue and anger could help me to do, the young one started, scratched, scabbled and squalled like a pig in a gate, and by this lucky expedient I escaped the contact of the young one's chops.

Supper over, I retired to bed—but not to rest. The most loathsome and detestable of all plagues to the weary traveller came out from their hiding places, like the swarm of hungry Visigoths on sleeping Rome, as our parson would say, and as many hours in purgatory would not have been more watched. Welcome morning at length dawned. I dragged on my dirty boots—paid my bill—mounted old Dobbin, and may I never see Applebury again, if I stop a second time at the Bear and Fiddler.

The next night I arrived at the most delightful of all villages. How changed the scene! My landlady was as neat as a baby's drawer; the coffee was as clear as amber—the butter as sweet as a rose—the table things as neat as wax-work—the knives as bright as silver—and the table-cloth as white

as a lily. It would have done your heart good to see how every thing looked. Every good thing was in plenty, and and yet nothing wasted. Things were provided in that happy mean, between closeness and profusion that every reasonable person would be pleased; and then the beds, why Mrs. Hardcastle would no more think of putting a decent looking stranger into sheets that had been before slept in, than to turn them out of doors. O it was a comfort to put up with them. No one who ever had tarried with them failed to call again, so that they got all the good custom and grew rich by it.

Now tavern-keepers, listen to old Robert. If your wives are sluttish, or incorrigibly bad in their cookery, throw up your licences. It is impossible for you; with such a woman, to keep a respectable public house. Furnish your pantry well.—In winter you are inexcusable if you have not fat fowls always dressed and ready to be cooked at a minute's warning. Never be out of eggs. Keep at least a small quantity of the first quality of liquors. A traveller who is a judge will not value paying you well for it, and it will bring credit to your house. Let your table be spread neat. If your wife does not know how to make a good cup of coffee, and there is, I assure you, no inconsiderable knack in it, let her learn of some one who does understand it. Keep the children from the table. Broil your fowls or staves, and boil your eggs instead of frying them; unless particular directions are given. It is generally best to inquire of the traveller what mode of cookery he will prefer. Keep your bedsteads free from vermin; it is inexcusable and detestable to put a person to bed to be devoured. Be sure that the sheets are clean and well aired; if six cents are not enough to pay for lodging, charge twelve, or four times the sum. No gentleman would hesitate to pay the value of a clean bed. Let the boots or shoes of the traveller always be cleaned. On no account let the horse be neglected—when first put up let clean straw be thrown around him—rub him down, and when cool give him water and afterwards his grain. It is a practice too common to feed traveller's horses where the hogs and fowls rob them of half that is given them; this is both mean and dishonest. If your lodger is disposed to converse, talk with him. If he chooses to be alone, it is ill manners to crowd yourself into his company. Now bid your oldest son to copy the latter part of this number, and paste it over the fire-place; obey

the directions, and my word for it, you will get more and better customers, and have the pleasure of being universally commended.

THE BLEEDING HEART.—*A Tale.*

A dark cloud hung over the cedar valley, and a drizzling mist had watered profusely the thick grass around the low painted cottage that stood high among the trees, at the foot of the hill. But the window that looked down the narrow road towards the village was open, though it was past the hour of eleven at night, and Mary sat pale and dejected by it, resting her cheek upon her hand, and looking out upon the gloomy sky, and listening with all the deep and anxious expectation of a tender wife, for the approach of her absent husband. De Lancy had not always kept such hours as this—he was once fond, affectionate, attentive to her every want and wish, and as careful of her happiness as of his own life—when she married him, he was gay and cheerful, rich and virtuous, and she had joined her hand in his with the bright prospect of a long life of connubial bliss, full before her. But now his brow wore the aspect of deep and settled gloom—he seemed to be himself no more—some secret disquietude preyed upon his mind, the springs of which lay concealed from her view. Sometimes she thought he loved her no longer—but the thought almost broke her heart, and she banished it—she hoped for the best; and waited now his return with all the patience of wronged, but silent, unrepining affection.

As midnight approached, the streaked lightning began to flash along the woodlands, and at intervals the deep and hollow-toned thunder rolled across the western arch of heaven—the clouds dropped rain in larger quantities, and the quiet of the night yielded to the stormy blackness of a coming tempest. She rose, and closed the window with a heavy sigh. At that moment a flash, unlike that of lightning, at the edge of the woods, directly down the road, and a report as of a pistol, alarmed her; she threw open the window again; all was silent—then a faint voice seemed crying in the wood; she listened, and thought she gathered the sound of “murder”—but the thunder rolled again, and again, and the red lightning flashed angrily—and a howling wind rose up and roared most dismally along the forest. She fastened down the sash, and threw herself beside her sleeping infants on the bed; clasping them closely to her bosom, while her heart

beat most violently, and her whole frame trembled with terror.

A brief space elapsed, and the hurried tread of a horse was heard coming up the road; the gate creaked on its hinges; she heard De Lancy's voice, "wo, wo, Bob, let me get off; this is bad business; we are both crazy; wo, wo, Bob, you don't smell the blood now; Lord how the lightning flashes; there's blood on my arm yet; wo, wo." The horse was led away to the stable; she heard the door shut and the key turn, and presently De Lancy rapped at the door. She flew to open it, and her husband entered with a wild and agitated air, pale and besmeared with mire and blood.

"In the name of Heaven," cried Mary, "what is this?" "Only a trifle, woman—Bob threw me, and my nose bled a little." She feared to interrogate him further, for his ruffled and morose humour was forbidding; she pressed him to partake of the supper she had kept ready for him, and endeavored to sooth by kindness and attention the gloomy mood in which she found him. He refused to eat, however, and after sitting with his hand clenched some moments on his forehead, he rose, took a heavy draught of brandy, and threw himself on the bed.

Mary laid down beside him, but not to sleep, or if a momentary doze came over her, her waking fancy pictured to her restless and anxious mind the feverish dreams of a disordered brain. She rose as the first glimmering of day broke upon the green valley, and walked out to the spring to bathe her burning brow in the cool clean waters of the flowing brook. She had been there but a few moments, before two men rode rapidly up the road, and entered the gateway—she hastened to the house, and they entered with her, inquiring for Mr. De Lancy, and seeming in too much haste to wait even the common forms of civility.

De Lancy lay, still asleep, and when they rudely roused him and laid their hands upon him, he sprang up in a kind of frenzy, "What! so soon?" cried he—"Why, who told you I killed him?" "It is enough," said one of them, "who asked you to accuse yourself?—how came you to know he was killed? Come, we must search you." De Lancy stood aghast; in the perturbation of a moment he had betrayed himself—he had been taken unprepared; and as they drew from his pockets the money and watch of the murdered man, he trembled excessively.—"Ah, the devil has done for me at last,"

said he, throwing a wistful glance at his two sweet infants as they lay smiling in their infant slumbers on the bed, locked in each others arms; and then towards his wife, who, in an agony of despair, at this sudden burst of overwhelming misfortune on herself and children, and of ignominy and shame on him who was dear to her as her heart's blood, vile and dishonored as he stood before her on that fatal morning, stood pale and fixed as a cold statue by the bedside. "I have ruined you all," said he. "But he whom I slew first ruined me; he won a thousand dollars from me last night; I killed him; I got my money back, and now my life is forfeited. Oh, why was I linked with this infernal spirit. Gambling has ruined me, and those whose fortunes were bound up in mine forever; oh, Mary, my poor wife; my poor dear babes." He raved and raved, but they hurried him away; and bound his manly arms with a thick cord, and led him between their horses from his beautiful cottage house.

They had not gone far before they heard a distracted voice behind them; De Lancy's wife was following; her hair hanging about her shoulders; her feet bare, and her every feature betokening the very horror of anguish. "Stay a moment; oh stay!—speak to me, George; oh what will become of us; what will become of your poor wife and children?" The officers only increased their speed, and De Lancy went on with his hands folded, and his brow bent in desperate and silent despair. Poor Mary, after following them more than two miles, turned and went back, crying loudly and bitterly all the way.

George's trial and condemnation followed speedily. He plead guilty. Mary went to see him in jail, but he told her at parting that it would break his heart to meet her again. This proved to be an unnecessary admonition: she had been deserted by all her friends, amid the crush of her morning hopes; she pined away in her solitary home, day after day, and was at last found dead in the cottage, with a babe on each arm, early one morning, by a passer by, who was attracted to the house by the crying of the infants. De Lancy never knew her fate, though he was not executed for almost a month afterwards.

Thus ended the life of a gambler, in utter ruin to himself and family, in double, and doubly desolating crime.

AMERICAN INDIANS.

One Indian happened to kill another: the brother of the deceased called upon the murderer, and seeing a woman and children in the hut, asked whose they were. The murderer declared them to be his family. The other then said, though his brother's blood called for revenge, yet as the children were young and not able to provide for their mother, and themselves, he should remain deaf to these calls for a while, and so left them.—Belonging to the same tribe, they continued to live socially together until the eldest son of the murderer killed a deer in hunting. So soon as the brother of the deceased was informed of this, he again called on the murderer, and told him, that his brother's blood called so loud that it must be obeyed, especially as his son, having killed a deer, could support the family. The murderer said he was ready to die, and thanked the other for so long a delay: on which the wife and children broke into tears. The murderer reproved them for their weakness, and particularly his son; saying to him, "Did you shed tears when you killed the deer? and if you saw him die with dry eyes, why do you weep for me, who am willing to suffer what the custom of our nation renders necessary?" With an undaunted countenance he then called on the brother of the deceased to strike; and died without a groan.

INDIAN ELOQUENCE.

On the 15th of July, 1815, the Black Buffalo, Chief of the Teton tribe of Indians, was buried at Portage Des Sioux with the honors of war. The following speech, by the Big Elk, Maha Chief, was delivered over the grave:

Do not grieve. Misfortunes will happen to the wisest and best of men. Death will come, and always comes out of season. It is the command of the Great Spirit, and all nations and people must obey. What is passed and cannot be prevented should not be grieved for. Be not discouraged or displeased then, that in visiting your father here you have lost your chief. A misfortune of this kind may never again befall you, but this would have attended you perhaps at your own village. Five times have I visited this land and never returned with sorrow or pain. Misfortunes do not flourish particularly in our path. They grow every where. (Addressing himself to governor Edwards and colonel Miller.)—What a misfortune for me, that I could not have died this day, instead

of the chief that lies before us. The trifling loss my nation would have sustained in my death would have been doubly paid for, by the honours of my burial.—They would have wiped off every thing like regret. Instead of being covered with a cloud of sorrow, my warriors would have felt the sunshine of joy in their hearts. To me it would have been a most glorious occurrence. Hereafter, when I die at home, instead of a noble grave and a procession, the rolling music and the thundering cannon, with a flag waving at my head—I shall be wrapped in a robe (an old robe perhaps) and hoisted on a slender scaffold to the whistling winds, soon to be blown to the earth—my flesh to be devoured by the wolves, and my bones rattled on the plain by the wild beasts.

[*Addressing himself to Col. Miller.*].—CHIEF OF THE SOLDIERS—Your labors have not been in vain. Your attention shall not be forgotten. My nation shall know the respect that is paid over the dead. When I return, I will echo the sound of your guns.

MERIT REWARDED.

Many are acquainted with the heroic part taken by the Reverend BENJAMIN WOOSTER, of Fairfield, in the successful defence of Plattsburgh, in September, 1814. The promptitude and patriotic zeal exhibited by him and his flock, are worthy of remembrance.

The then Governor of the State of New-York, justly appreciating the services and noble example of this Rev. Pastor and his flock, has transmitted to them an elegant folio full gilt Bible, with the following appropriate letter written on one of its blank pages:

Governor Tompkins, to the Reverend Benjamin Wooster.

ALBANY, APRIL 21, 1815.

REVEREND SIR—General Strong, who commanded the intrepid volunteers of Vermont, on the memorable September 11th, 1814, has made me acquainted with the very distinguished part you bore in the achievements of that day.

A portion of your parishioners, roused by the dangers which hung over our invaded country, generously volunteered in her defence, and chose you, their pastor, for their leader. You promptly obeyed the summons, and placing yourself at the head of your little band, repaired with alacrity to the tented field. There you endured, with patient fortitude, the vicissitudes of the camp, spurning the proffered indulgencies

which were justly due to the sanctity of your character. In the hour of battle you were found with your command in the ranks of the regiment to which you were attached, bravely contending for the imperishable honors of the victory. The invaders being expelled, you quietly returned, with your small but patriotic troop, to the duties of your sacred calling, and there inculcated by precept, those principles of morality, patriotism and piety, of which you had just given a practical demonstration.

At a period, Sir, when principles inconsistent with what we owe to ourselves, our country, and our God, had gone abroad, your example on the occasion alluded to, could not fail to carry with it an irresistible influence. It illustrated the perfect compatibility of the injunctions of patriotism with the duties of religion, and was a striking and affecting instance of that attachment and self-devotedness to the cause of a beloved country, which ought always to distinguish the conduct of the virtuous and the pious in times of peril and of war.

As a memorial of my veneration of your distinguished, noble, and patriotic conduct, on the 11th of September, 1814, and of my grateful sense of the eminent benefits which this State and the Union have derived from your example and exploits, I request your acceptance of this sacred volume, and beg you to convey to your brave associates, the assurance of my high estimation of their patriotism and signal services.

DANIEL D. TOMPKINS.

*To the Reverend Benjamin Wooster,
Fairfield, Franklin County, Vermont.*

REPLY.

*To His Excellency, Daniel D. Tompkins, Governor of the
State of New-York.*

SIR—Last evening my sensibility was awakened by the reception of *Brown's Gift Family Bible*, which your Excellency was pleased to forward, by the politeness of Col. Anthony Lamb, Aid-de-Camp to your Excellency.

If the stores of heaven had been unlocked, your Excellency could not have found a more precious gift than *the Word of God*, except you could have bestowed the very GOD OF THE WORD. And as if it were possible to enhance the value of the present, your Excellency is pleased, in a letter dated Albany, April 21, 1815, to bestow many encomiums on me,

and on my intrepid band, for our conduct at Plattsburgh, on the memorable September 11th, 1814.

You are pleased to observe, that "General Strong, who commanded the *intrepid volunteers of Vermont*, had made you acquainted with the part I bore in the achievements of that day."

I did not, Sir, expect to be particularly noticed by General Strong, nor by the Governor of the first State in the Union; but by this, I have another assurance, that our *patriotic fathers* delight to search out, and reward the honest attempt to deserve well of our country. Should a candid public consider your very handsome encomiums too freely bestowed, I hope they will also believe, that nothing but the speedy flight of the invaders could have prevented our deserving all which your Excellency has been pleased to say.

The calls of a sister State, for help in a common cause, wafted to our ears by the western breeze, were *powerful*. The Governor of Vermont called for volunteers. Fourteen thousand British pressed upon Plattsburgh; the shock was like electricity, and the language of the brave was "I WILL GO." The act looked like temerity in the eyes of the over prudent; *the event was dubious, and hung in awful suspense*; but our lives had no value when our *country was in disgrace*.

My aged brethren and sisters, whom I loved as my life, then collected to hear a sermon, preparatory to the *sacrament*, from my lips, expressed their fears that I was depriving them of a pastor forever.—They said, "*Will you not preach with us this once? We expect to see you no more.—Come, go with us into the house where the church are collected.*" Fearing what effect so tender a meeting might have upon my mind, I bid them a tender adieu, embraced my family in tears, kissed my clinging babes, and set out immediately with my companions for Plattsburgh. The conduct of my men on that hazardous expedition, will endear them to me while my heart beats for my country, or the blood remains warm in my veins.

Your Excellency is pleased to observe, that "I obeyed the summons, repaired to the tented field, and there endured the vicissitudes of the camp, spurning the proffered indulgencies which were justly due to the sanctity of my character."

The sanctity of my station, Sir, I would sedulously preserve. But I have yet to learn, that sanctity of character

will make bondage sweet, dangers unbecoming, or justify idleness, when it is the duty of every man to act. Law and custom rendered me exempt; but my conscience and my country forbade such an appeal. Hard, indeed, had been my lot to be chained by custom, to a bed of down, when General Strong and his men were braving the dangers of the field of honor. How could my heart endure, when my people were in danger, and yet could not find me dividing those dangers at their side? I grew up, Sir, with the principle, that dangers lessen by being divided; that states are strengthened by union, and that regular armies and fleets are invigorated by seeing citizens contend by their side for the honors of victory. Hard is the lot of the soldier, when they who should be his friends, whose battles he fights, whose property he defends, are idle and regardless of his fate.

The sacred volume alluded to above, your Excellency is pleased to present as a memorial of your veneration for my "distinguished conduct on the 11th of September, 1814.—Gratefully I receive it as such; and beg leave to remind your Excellency, that this same holy book taught me to march for Plattsburgh, and told me how to behave while I was there.

You were pleased to request me to convey to my "brave associates the assurance of your high estimation of their patriotism and signal services." It shall be done. And your Excellency may be assured, that should such a day as the 11th of September, 1814, ever return while we have life, *the same men, nay many more*, will appear in the field, as *volunteers from Fairfield*.

BENJAMIN WOOSTER.

Fairfield, June 15, 1815.

THE BIG WALNUT.

Thirty-three miles southwest from Buffalo, three miles south of the Cataraugus creek, on the southern bank of Walnut creek, and near the road leading from Buffalo to Erie, grew a large Black Walnut tree, which has attracted the attention of travellers ever since the first settlement of the country around it. It was not so large as the "Ohio tree," which admitted thirteen horsemen with their horses in the hollow of it during a storm; but it was a tall, handsome bodied tree, and about nine feet across near the butt. The Agent of the Holland Land Company has offered a lot of land to any per-

son that would cut the tree down in a day; but no one ever undertook the job. Three or four years since it was turned up by a gale of wind, and found to be hollow. In July, 1823, about sixteen feet of it was taken by the owner, made smooth inside, set upon one end, and is now used for a grocery! On one side is a door, and on the other a window with six lights. It is furnished with seats, and is sufficiently large to accommodate fourteen persons. In the centre is a circular table, loaded with the choicest productions of the country. Above are shelves covered with most of the articles usually found in establishments of this kind. From the novelty of the scene exhibited, it is presumed that few would pass by without calling and viewing the establishment, and partaking of some of the refreshments.

JUSTICE, THOUGH SLOW, IS SURE.

In the beginning of the year 1760, William Andrew Horne, a gentleman of some fortune in Derbyshire, England, was executed at Nottingham, in the seventy-fourth year of his age, for the murder of an infant born of his own sister, in the year 1724. On the third day after the birth, this brutal ruffian thrust the child into a linen bag, and, accompanied by his own brother on horseback, conveyed it to Annelly, in Nottinghamshire, where it was next day found dead under a hay-stack. Though this cruel rustic knew how much he lay at the mercy of his brother, whom he had made privy to this affair, far from endeavouring to engage his secrecy by offices of kindness and marks of affection, he treated him as an alien to his blood; not barely with indifference, but even with the most barbarous rigour. He not only defrauded him of his right, but exacted of him the lowest menial services; beheld him starving in a cottage, while he lived himself in affluence; and refused to relieve with a morsel of charity the children of his own brother begging at his gate. It was the resentment of this pride and barbarity which, in all probability, first impelled the other to revenge. He pretended qualms of conscience, and disclosed the transaction of the child to several individuals. As the brother was universally hated for his insolence and cruelty of his disposition, information was given against him, and a resolution formed to bring him to condign punishment. Being informed of this design, he tampered with his brother, and desired that he would retract, upon the trial, the evidence he had given before the justices.

Though the brother rejected this scheme of subordination, he offered to withdraw himself from the kingdom, if he might have five pounds to defray the expense of removal. So sordidly avaricious was the other, that he refused to advance this miserable pittance, though he knew his own life depended upon his compliance. He was accordingly apprehended, tried, and convicted on his brother's evidence; and then he confessed the particulars of his exposing the infant. He denied, indeed, that he had any thought the child would perish, and declared he intended it as a present to a gentleman at whose gate it was laid; but as he appeared to be a hardened miscreant, devoid of humanity, stained with the complicated crimes of tyranny, fraud, rapine, incest, and murder, very little credit was given to his declaration.

POWER OF CONSCIENCE.

A letter was received by the Post-Master General, in 1815, conveying a considerable sum of money, and stating that the amount was taken from a letter written to or by John Dale, dated at Philadelphia, and addressed to Augusta, Georgia, between the years 1798 and 1801, and requesting that the same might be paid over to the rightful owner.

Some years ago a barn was burnt in Pennsylvania, and all attempts to discover the confagrator proved ineffectual. In 1821, a dying man, tortured with the pains of conscience, confessed that he and an accomplice had robbed and murdered a man, put the body into the barn, and set fire to it to conceal the crime. Let him that meditates evil, know, that justice will, sooner or later, overtake him.

The following is said to have taken place soon after the settlement of Hartford, Connecticut:—A person, a mason by trade, came from England, and worked at Hartford a number of years; he was urged to stay longer, but no persuasion could stop him from returning to his native home. After his returning, he went to a house, where he had formerly built a chimney, and inquired of the occupant whether the chimney answered a good purpose. He received for answer, "that the chimney did well, but strange noises were frequently heard near the chimney which could not be accounted for." The mason replied, "I can tell you the reason of the noise: when I built the chimney, I got angry with an apprentice boy that

was at work with me, and killed him, and worked him into the chimney, nor could I feel any peace of mind, until I had returned and made the affair known." The chimney was taken down, and the remains of the body found in it. The mason was apprehended, tried, convicted, and executed.

READING BRIEFS.

Curran's notions of industry were somewhat ludicrous. An hour to him, was a day to another man; and in his natural capabilities his idleness found a powerful auxiliary. A single glance made him master of the subject; and though imagination could not supply him facts, still it very often became a successful substitute for authorities. He once said, in serious refutation of what he called the professional calumnies on this subject, that he was quite as laborious as was necessary for any *Nisi Prius* advocate to be: "For," said he, with the utmost simplicity, "I always perused my briefs carefully when I was concerned for the plaintiff; and it was not necessary to do it for the defendant, because, you know, *I could pick up the facts from the opposite counsel's statement.*" This was what Curran considered being laborious; and, to say the truth, it was at best but an industrious idleness.

DOWNFALL OF CURRAN.

Mr. Curran distinguished himself not more as a barrister, than as a Member of Parliament; and in the latter character, it was his misfortune to provoke the enmity of a man, whose thirst for revenge was only satiated by the utter ruin of his adversary. On the discussion of a Bill of a penal nature, Mr. Curran inveighed in warm terms against the Attorney General, Mr. Fitzgibbon, for *sleeping on the bench*, when statutes of the most cruel kind were enacting; and he ironically lamented that the slumber of guilt, should so near resemble the repose of innocence! A message from Mr. Fitzgibbon, was the consequence of this sally; and the parties having met, were left to fire when they chose. "I never," said Mr. Curran, relating the circumstances of the duel, "saw any one whose determination seemed more malignant than Fitzgibbon's; after I had fired, he took aim at me for at least half a minute; and on its proving ineffectual, I could not help exclaiming to him, 'It was not your fault, Mr. Attorney, *you were deliberate enough.*'" The Attorney General declared his honor satisfied; and here, at least for the present, the dispute appeared to terminate.

Not here, however, terminated Fitzgibbon's animosity.— Soon after, he became Lord Chancellor and a Peer in Ireland; and in the former capacity, found an opportunity, by means of his judicial authority, ungenerously to crush the rising powers of his late antagonist. Mr. Curran, who was at this time a leader, and one of the senior practitioners at the Chancery bar, soon felt all the force of his rival's vengeance. The Chancellor is said to have yielded a reluctant attention to every motion he made; he frequently stopped him in the midst of a speech; questioned his knowledge of law; recommended to him more attention to facts; in short, he succeeded not only in crippling all his professional efforts, but actually to leave him without a client. Mr. Curran, indeed, appeared as usual in the three other courts; but he had been already stripped of his most profitable practice; and as his expenses nearly kept pace with his gains, he was almost left a beggar: for all hopes of the wealth and honors of the long robe were now denied him. The memory of this persecution embittered the last moments of Curran's existence; and he could never even allude to it without evincing a just and excusable indignation. In a letter which he addressed to a friend, twenty years after, he says, "I made no compromise with power: I had the merit of provoking and despising the personal malice of every man in Ireland, who was the known enemy of the country. Without the walls of the court of justice, my character was pursued with the most persevering slander; and within those walls, though I was too strong to be beaten down by any judicial malignity, it was not so with my clients; and my consequent losses in professional income have never been estimated at less, as you have often heard, than £30,000."

The incidents attendant upon this disagreement, were at times ludicrous in the extreme. One day, when it was known that Curran was to make an elaborate argument in Chancery, Lord Clare, (the title of Fitzgibbon) brought a large Newfoundland dog upon the bench with him; and during the progress of the argument, he lent his ear much more to the dog than to the barrister. At last the Chancellor seemed to lose all regard to decency; he turned himself quite aside, in the most material part of the case, and began in full court to fondle the animal. Mr. Curran stopped short: "Go on, go on, Mr. Curran," said Lord Clare. "Oh!" replied Mr. Curran. "I beg a thousand pardons, my lord; I really took it for granted that your lordship was employed in consultation."

AN HONEST LAWYER.

The following advertisement is copied from a Tennessee paper, and is respectfully dedicated to young practitioners at the bar :

"Let Justice be done."—Having adopted this motto as early as I had the honor of admission to the bar, I have covenanted with myself that I will never knowingly depart from it; and on this foundation I have built a few maxims which afford my reflection an unspeakable satisfaction.

1. I will practice law, because it offers to me opportunities of being a more useful member of society.

2. I will turn a deaf ear to no man because his purse is empty.

3. I will advise no man beyond my comprehension of his cause.

4. I will bring none into the law who my conscience tells me should be kept out.

5. I will never be unmindful of the cause of humanity; and this comprehends the widows, fatherless, and those in bondage.

6. I will be faithful to my client; but never so unfaithful to myself as to become a party in his crime.

7. In criminal cases I will not under-rate my own abilities; for if my client proves a rascal, his money is better in my hands; and if not, I hold the option.

8. I will never acknowledge the omnipotence of the legislature; or consider their acts to be law beyond the spirit of the constitution.

9. No man's greatness shall elevate him above the justice due to my client.

10. I will consent to a compromise where I consider a compromise essential to my client's future reputation or protection; for of this he cannot be a complete judge.

11. I will advise the turbulent with candor, and if they go to law against my advice, they must pardon me for volunteering it against them.

12. I will acknowledge every man's right to manage his own cause if he pleases.

The above are my rules of practice, and though I will not (at any critical juncture) promise to finish my business in person, if the public interest should require my removal from hence, I will do every thing in my power for those who like them, and endeavor to leave it in proper hands if I should be absent.

WILLIAM TATHAM.

SINGULAR DISINTERESTEDNESS.

- In 1792, a poor woman with several children was made the repository of a large sum of money, which she was permitted to appropriate to her own use, if the person who placed it in her hands died without children, and in case of distress, to take part of it for her relief. Some time after, she fell sick, and suffered under every species of want. She endured two years of extreme distress, without ever believing that her wants were sufficiently great to allow of her taking any of the money. She was afterwards informed of the death of the proprietor of the money. Her conduct was still the same, for she did not know that he had not left any children. Four years passed on, and she was unshaken in her resolution. "If there are no children," she said, "there may still be heirs, and if no heirs, creditors." Meantime infirmities and distress increased upon her, but her greatest anxiety was, lest she should die without giving the deposit to the rightful owner. At length she heard that the person who had placed it in her hands, had married in Prussia, and had left children. She informed the widow instantly of the deposit, who would gladly have rewarded her fidelity, but she would take no part of the money.

"All that I desire," said this poor woman, "is, that you will preserve the remembrance of one who had a most profound respect for your husband, and who dies happy to have rendered a service to his family."

INDIAN COURTSHIP.

The following anecdote is taken from the sixteenth chapter of Heckewelder's account of the Indian nations, that once inhabited Pennsylvania and the neighboring states.

"An aged Indian who for many years had spent much of his time among the white people both in Pennsylvania and New-Jersey, one day, about the year 1770 observed, that the Indians had not only a much easier way of getting a wife than the whites, but were also more certain of getting a good one: "For," said he in broken English, "white man court—court—may be one whole year! may be two years before he marry! Well, may be then he got *very good* wife—but may be *not*! May be *very cross*! Well, now suppose *cross*—scold so soon as get awake in the morning! scold all day! scold until asleep! all one—he must keep *him*! White people have law forbidding away *wife*, be *he* ever so *cross*—must keep

him always! Well, how does Indian do? Indian—when he see industrious *squaw* which he like—he go to *him*—place his two fore fingers close aside each other, make two look like one—then look *squaw* in the face—see *him* smile—which is all one *he* say YES!—so he take *him* home, no danger *he* be cross! No, no; *squaw* know too well what Indian do, if *he* be cross! Throw *him* away and take another! *Squaw* love to eat meat! No husband no meat! *Squaw* do every thing to please husband—he do every thing to please *squaw*—live happy.”

UNMATCHED MATCHES.

“ If love's a flame that's kindled by desire,
An old stick's surely best, because 'tis drier.”

MARRIED, At Woodbury, N. J. in 1802, Mr. *William Marchon*, aged 67, to Miss *Ann Walters*, aged 16.

At Hartland, Vt. in 1804, Mr. *John Huntington*, aged 45, to Miss *Laura Burbank*, aged 15.

At Staunton, Va. in 1809, Mr. *James Stevenson*, aged 100, to Miss *Elizabeth Cummins*, aged 68.

At Norfolk, Va. in 1814, Master *James Jackson*, aged 16, to widow *Laura Jones*, aged 41.

At New-York, in 1817, Mr. *Philip Jacobs*, aged 80, to Miss *Eliza Brown*, aged 18.

At Hudworth, England, in 1817, Mr. *Thomas Richmond*, aged 81, to Miss *Dinah Wood*, aged 20.

At New Milford, Conn. in 1819, Mr. *Phineas Gorham*, aged 80, to Mrs. *Sperry*, aged 20.—Also, Master *Amos Marsh*, aged 14, to Miss *Ann Sherwood*, aged 35, after a tedious courtship of 25 hours.

At Vernon, N. Y. in 1819, Master *Daniel Butts*, aged 15, to Miss *Elizabeth Mattoon*, aged 11.—A brother of D. Butts, aged 18, married the mother of D. Butts' wife, aged 35!

At Greenfield, N. Y. in 1819, Doct. *Isaac Young*, aged 70, to Miss *Emeline James*, aged 18.

At Washington, Vt. in 1822, Hon. *Daniel Peaslee*, aged 49, to Miss *Lucy Pepper*, aged 17.

At Middleton, N. J. in 1818, *Gaffer Thomas Tilton*, aged 75, to Miss *Mary Lucar*, aged 12.—She is the daughter of her husband's former wife.

At Dublin, Ireland, in 1814, Mr. *Edward Kelly*, aged 18, 6 feet 1 1-2 inches in height, to Miss *Sarah Murphy*, aged 45, only 3 feet 1 1-2 inches in height.

At Williamsburgh, Illinois, in 1823, Gen. *John Edgar*, of New-Jersey, aged 90, to Miss *Eliza Stephens*, aged 14.

At Baltimore, Md. in 1823, Mr. *John Miller*, aged 40, to Mrs. *Julia Ann James*, aged 14, it being the *third time* that the young bride has been joined in the holy bands of matrimony.

At Dover, in Eng. 1805, *Charles Pichard*, Esq. aged 87, to Miss *Charlotte Pursuivance*, aged 19—a young lady celebrated for her beauty and accomplishments, and worth an annual income of £7,000. Having a great number of suitors, (from beardless youth to hoary age) she determined to give them all an equal chance, and accordingly pitched upon a game at “blind man’s buff,” to decide who should be her husband—when the gentlemen were ready, and big with expectation, she entered the room, and had the good fortune to grope upon the above *young gallant*!

From a London paper of 1809.—There is now living at Stafford, a man by the name of *Nolan*, who is at present married to his *twenty sixth* wife, and has had by the whole 73 children. He is 105 years of age, and his present wife is expecting soon to be the mother of his 74th child. It appears the old gentleman has obeyed *one* scripture command, if no more.

From a late Paris paper.—In the year 1724, a man aged 18, was condemned to the gallies for a hundred years and a day. The man has suffered in full the sentence of the law, and has now returned to Lyons, in France, where, claiming an estate belonging to his family, the proprietor, M. *Bertholon*, who had thought his purchase very fair and safe, agreed, by the advice of his lawyer, to settle the contentious matter by giving the real proprietor £4,500, sterling, (nearly 20,000 dollars.) This wonderful man, at the age of 118, has lately offered his hand to a woman, and is shortly to be married.

LONGEVITY.

In the course of two months, near the beginning of the year 1825, there died in the alms-house in Petersburg, Virginia, five persons, whose united ages amounted to 522 years. One was a white woman aged 112, a man of colour aged 110, his wife aged 105, a man of colour aged 95, and another man of colour aged 100, which strongly argues the healthiness of the place.

HARDSHIP OF ARREST.

In an action of debt, tried by Lord Mansfield at the sittings at Guildhall, the defendant, a merchant of London, complained with great warmth to his lordship of the indignity which had been put on him by the plaintiff, in causing him to be arrested, not only in the face of day, but in the Royal Exchange, in the face of the whole assembled credit of the metropolis. The Chief Justice stopped him with great composure, saying, "Friend, you forget yourself; you were the defaulter in refusing to pay a just debt; and let me give you a piece of advice worth more to you than the debt and costs. Be careful in future not to put it in any man's power to arrest you for a just debt in public or in private."

GOING TO LAW.

An action was brought at Lincoln assizes for the recovery of a horse. Justice Bailey at the close of the cause, in which £25 damages were given, strongly discouraged going to law in cases of that nature. "Take my advice, gentlemen," said he, "and accommodate matters of this kind, if possible; for men, in general, lose more than £25 in bringing an action on the warranty of a horse, even if they win; and such is the danger from the evidence common in cases like this, that justice is no security to a man, of success. I perceive that the gentlemen below me do not approve of my doctrine; but the truth must be told sometimes."

SMALL DEBTS.

An action having been tried at Taunton Assizes, in 1819, to recover forty-five shillings for goods sold and delivered; Mr. Justice Best expressed his regret, that such a cause should have found its way into court. Here, said his lordship, is a man so foolish as to bring an action for forty-five shillings; and another man so foolish as to defend it! Few lines had more truth in them, than two which he would quote to the jury:

"Causes are traversed and so little won,
That he who gains them, is at last undone"

LONG SUIT.

The longest suit on record in England, is one which existed between the heirs of Sir Thomas Talbot, Viscount Lisle, and the heirs of a Lord Berkeley, respecting some property

in the county of Gloucester, not far from Wotton under edge. It began at the end of the reign of Edward the Fourth, and was depending until the beginning of that of James the First, when it was finally compounded, being a period of not less than one hundred and twenty years!

AN OLD MODE OF TRIAL.

The conflicting claims of two towns in Connecticut, Lyme and New-London, to certain lands, once gave rise to a mode of adjusting the title, of which, we apprehend, no trace can be found in the common law, or the codes of the civilians. "The land," says Dr. Dwight, "though now of considerable value, was then regarded as a trifling object. The expense of appointing agents to manage the cause before the Legislature, was considerable, and the hazard of the journey not small. In this situation, the inhabitants of both townships agreed to settle their respective titles to the lands in controversy, by a combat between two champions, to be chosen by each for that purpose. New-London selected two men of the name of Ricket and Latimer! Lyme committed its cause to two others, named Griswold and Ely. On a day mutually appointed, the champions appeared in the field, and fought with their fists, till victory declared itself in favor of each of the Lyme combatants. Lyme then quietly took possession of the controverted tract, and has held it undisputed until the present day."

BENEFITS OF LITIGATION.

The spirit of litigation, was, perhaps, never carried to a greater extent, than in a cause between two eminent potters of Handley Green, Staffordshire, for the sum of *two pounds, nine shillings, and one penny*. After being in chancery eleven years, from 1749 to 1760, it was put an end to by John Morton, and Randle Wilbraham, Esquires, to whom it was referred; when they determined that the complainant filed his bill without any cause, and that he was indebted to the defendant, at the same time, the sum for which he had brought this action. This they ordered him to pay with *a thousand guineas of costs!*

Some years since a law-suit was tried in Rutland County, between two wealthy gentlemen belonging to Danby. The first claimed of the second, *two shillings, and seven pence*

half-penny. The second acknowledged that he owed the first *two shillings and five pence*, and lawfully tendered him that sum, which the first refused to receive, but commenced a suit against him. After expending between one and two hundred dollars in the law, it was decided that the defendant was in arrear to the plaintiff in the sum of *two shillings and seven pence half-penny*, which the defendant had to pay, together with costs of suit. Thus the plaintiff gained his *two pence half-penny!*

A cause was tried at the last term of the Supreme Court in the County of Caledonia, between two men belonging to Waterford. It was in the law five or six years, and tried a number of times. The difficulty arose in consequence of having two sets of officers in a school district. The first appointment of officers was thought, by some, to be illegal, and a meeting was warned and others appointed. A tax-bill was made out and given to a collector, who levied on a horse belonging to a person named in the bill, whose tax was about \$1 50. The horse was sold at auction, and the tax satisfied. The owner of the horse commenced a suit against the collector, for the value of the horse, and recovered on the ground of the illegality of the school district proceedings. The costs of the parties was *five or six hundred dollars!*

A singular case was tried in Albany, N. Y. twenty or thirty years since. A gentleman living near Albany had purchased a horse at the eastward, and soon after he returned home, the horse was stolen, and nothing could be heard from him for some time. A gentleman living in the southeast part of Vermont had purchased a horse, started with him for Canada, went as far Cornwall, and left him. A neighbor of the man who had his horse stolen, and who knew the horse, was passing through Cornwall, saw the horse, and judged it to be the one that was stolen. He gave information to his neighbor, and he went to the man of whom he purchased, and they both went to Cornwall, and being satisfied that the horse was his, he took it, leaving his name, and the circumstances of his taking him. When the owner found his horse gone, he soon wrote to have the horse returned or a suit would be commenced against him. In short a suit was commenced, and on the trial it was proved that this very horse had been raised from a colt by two different men. Fifteen or twenty witnesses on

each side, fully proved the horse to belong to both plaintiff and defendant. The Court was confounded, and knew not what to do.—The Court, however, adjourned to the next day, when it was proved that the horse that had been stolen was taken to Salem, and there taken sick and died, which left the case clear in favor of the plaintiff.

A number of years since, a man on Long-Island had started a fox—his dog pursued him for some time, until the dog and fox were somewhat overcome with fatigue; during which time, another person and his dog took the fox's track, and soon caught him. The man who first started the fox laid claim to him, which the other refused to accede to, and a law suit ensued. On the first trial, the Court decided that the person who started the fox was entitled to him. The cause was again tried in a higher Court, and the decision was, that the one who *caught* him was entitled to him. The cause was carried by writ of error to a still higher Court, which decided that he who started the fox was entitled to him. *Thus, after paying the cost, the affair ended!*

GEORGE DRAPER *vs.* AZARIAH RICE.

This was an action brought twenty or thirty years since, in the County of Worcester, Massachusetts, for the value of *one turkey*. The facts were, that a large wild turkey roosted on a tree near the land of Draper, and would, at times, eat with his turkeys. Draper, no doubt, expected to make sure of the turkey; but Rice, being out a hunting, saw the turkey and shot it; and while returning home, the turkey was noticed by others to have *two* very large spurs. Rice sold the turkey to a merchant. Soon after, Draper called on the merchant and wished to examine the turkey he had bought of Rice. Draper took the turkey, and claimed it as one that he had owned some years, and knew it to be his on account of its having but *one* spur. The cause was closely contested, and of course expensive. It was tried a number of times in court, and always went in favor of Rice. It was at last tried by arbitrators, in the meeting-house at Brookfield, and occupied three days; the house was crowded each day, and Rice having proved that the turkey he killed and sold had *two* spurs, the cause was decided in his favor. The cost of Draper was *one thousand dollars*—that of Rice *five hundred dollars*. Rice could sing, “*I have been to law and got my case!*”

JABEZ ROGERS, JUN. }
 vs. } Addison County, Vermont.
 JOHN WILLARD. }

This was an action on book account, brought before John S. Larrabee, Esq; a Jus. of the Peace in 1811. The plaintiff's account consisted of one charge only, which was for making two barrels of soap, \$5, and the defendant contended that Rogers was to make the soap and receive one half of the same for making it. Rogers not being present at the trial, the judgment was, that the defendant recover his cost. The cause was appealed, and at the August term of the County Court, 1811, the cause was entered in Court, and judgment to account, and Daniel Chipman and Hastings Warren, Esq's were appointed auditors.

At the Feb. term, 1812, the auditors reported that they found nothing due to either party to balance book accounts, which report was set aside by the Court on payment of cost for that term, and the cause referred to Samuel Jewett, Samuel Swift, and Joshua Hyde, Esq's, and at June term, 1814, Joshua Hyde was discharged.

At the December term, 1814, Samuel Jewett and Samuel Swift, Esq's, not agreeing upon a report, were discharged.

At the June term, 1815, Reuben Saxton, Stephen Hard, and John Morton, Esq's, were appointed auditors; and at June term, 1817, they were discharged, and Charles Y. Chase, and Samuel Buck, Esq's, appointed; and at June term, 1819, C. Y. Chase was discharged, and the Hon. Ezra Hoyt, and Peter Starr, Esq's, appointed; and at June term, 1820, S. Buck was discharged, and Reuben Saxton, Esq. appointed. The auditors met during the session of the Court, and the following facts were proved: That the defendant's house-keeper made a contract with the plaintiff's ash-gatherer to make the soap, and it was agreed by them that the defendant had it at his option to take the whole and pay for making, or to divide the soap equally after it was made; the parties agreed that the above was the contract, and recognized the same as their own. It appeared furthermore, that one Abel Woodard, a hired man to the defendant, took the soap from the potash, and in his deposition says that he took but one barrel and left the other to pay for making. The plaintiff made oath that he saw the two barrels of soap in the cart going up a steep hill near the potash, and that one wheel ran over a log, and that the soap slopped over the top

of the barrels; and that he cautioned Woodard, the driver, to be more careful. It was proved also, that said Woodard took both barrels of the soap from the potash, and delivered them both at the defendant's house.

It was also proved by the defendant's house-keeper, that only one barrel of the soap was received at the house, and that she gave said Woodard directions to take but one barrel of it, and that she had but one barrel of soap to use out of, that season. In short it was a *clear case* on both sides.

The auditors were some time in agreeing on the report, but at last reported that they found nothing due to either party to balance book accounts between them. Exceptions were taken to the report; but the same was accepted, and judgment rendered that the defendant recover his cost taxed at \$89 06, and execution issued for the same and returned—plaintiff committed to gaol.

At the December term, 1820, a suit was entered in Court on the bond, and continued. At the June term, 1821, Rogers petitioned the Court for a new trial on the ground of having discovered the following additional testimony—That two barrels of soap were delivered at the defendant's house by said Woodard, and that soap was used from two barrels that season at the house, and that the defendant was building a large brick house that season, and boarded and did the washing for most of his workmen, but the suit having been long in Court, and so *clear* on both sides, the Court dismissed the petition, leaving the plaintiff to pay the whole cost, which amounted to about *three hundred dollars!*

JOHN O'BRIEN, }
 vs. } Addison County, Vermont.
 JAMES ANDRUS. }

This was an action brought to recover damages for setting a fire and negligently suffering the same to spread on to the lands of the plaintiff, destroying his timber, fences, &c. The action was brought in the County Court, December term, 1816. The cause was tried by Jury at the June term, 1817, and the Jury returned a verdict for the plaintiff for \$40 damages, and his cost, and the defendant reviewed.

At the June term, 1818, the cause was again tried, but the Jury, being unable to agree upon a verdict, were discharged, and the cause continued.

At the December term, 1818, the cause was tried again.

and the Jury disagreeing, were discharged; upon which the parties, through the interposition of friends, settled the same by each party paying his own cost. The facts in the case as appeared from the testimony were, that the parties owned land adjoining each other—that the defendant had set some brush-heaps on fire on a low piece of land in the dry season of 1816, and that another person who had land near had set another fire, and from which of those fires the one that did the damage proceeded from, was difficult to tell; for the fire must have blown a considerable distance to have proceeded from either of them. There were a number of persons who viewed the land after it was burnt over, and some thought the damages were something like \$100, others much less than that, while some thought that it was a benefit to the land and to the owner. But the most material fact is, *that the parties had to pay four or five hundred dollars cost, and then they could abandon the suit!*

HAZEN and RAND
vs.
 Windsor & Woodstock
 Turnpike Company.

IN ERROR.
 Supreme Court,
 Windsor County, Vermont.

This was a writ of Error brought by the present plaintiffs, who were defendants in the Court below, against the present defendants, who were there plaintiffs.

In the original action the plaintiffs declared against the defendants in debt for *seventeen cents*, for toll for passing their gate.

To this declaration the defendants plead in bar under the proviso in the 6th section of the act of incorporation, "that at the time when they passed the plaintiffs' gate, they had been from their respective places of abode in Woodstock, to centre school-house in Plainfield, New-Hampshire, to attend public worship and assist in the ordination of one J. G. on which occasion the said Rand preached a sermon, and the said Hazen assisted in said ordination, and heard said sermon, and upon no other business whatever—and were then and there passing with their said carriage from said public worship to their said respective places of abode, and were passing upon no other business," which they then and there made known to plaintiffs."

The proviso in the act incorporating the said Turnpike Company is as follows: "That nothing in this act shall ex-

tend to entitle the said Corporation to demand and receive toll of any person who shall be passing with his horse or carriage to or from public worship, or on militia duty, or with his horse, team, or cattle, to or from his common labor on his farm, or to or from any grist-mill or other ordinary business of family concerns."

To the defendants' plea the plaintiffs demurred, and thereon the County Court rendered judgment that the plaintiff recover *seventeen cents* damages and their cost.

Hutchinson, for the plaintiff in error, contended that this case comes within the proviso of the act of incorporation, and that the distance is not material, if the principal business is to attend public worship, and cited 2 Mass. R. 146, 489, and 492. 9 John. R. 356—7 do. 179, 183—8 do. 150—10 do. 467. 2 Campbell R. 393.

Marsh and Hubbard, contra, contended that plaintiffs' case does not come within the proviso of the statute—it must be attending worship in the usual and ordinary place of attending worship; and besides it ought to appear that *that* was the only business, which was not the case here—the principle business was *not* public worship, but the ordination of a minister, which has no more analogy to public worship, than the meeting of the Bible Society.

Hutchinson in reply. The Legislature intended to give to all, the rich and the poor, the privilege of attending public worship without paying toll, and to leave them at liberty to worship where they pleased, to exercise the rights of conscience without restriction.

The Court decided that *there was error in the judgment of the County Court, and that the original plaintiffs ought not to recover.*

GAIUS A. COLLAMER

vs.

ELIJAH BRANCH.

} Addison County, Vermont.

This was an action on the case, commenced before Johnson Finney Esq. a Justice of the Peace, in August, 1820; at the trial of which, only five or six witnesses testified, being all that was known to have any knowledge of the material facts in the case, and judgment was rendered for the plaintiff, and the defendant appealed. The controversy was, whether Collamer delivered a gun to one Azel Harriman at the request of Branch, or sold it to Harriman at his own risk. A

few days previous to the sitting of the County Court, December term, 1820, the parties agreed to submit the dispute to the arbitrament of two persons, who were agreed upon, and the time and place for their meeting, which was on the 2d or 3d day of the session of the Court, and the agreement committed to writing and signed by the parties. The arbitrators had been notified of their appointment, and agreed to attend at the time appointed; and while Collamer was preparing for trial, Branch enters the cause in the County Court, and Collamer was *nonsuited* without his knowledge. Collamer, soon learning the course Branch had pursued, went to Court, stated the facts, and the nonsuit was erased, and the cause continued.

At the June term, 1821, and on Saturday, the cause came on for trial before the Court, and as both parties had their whole evidence examined, the Court adjourned to Monday for the argument, and parties went home. On Monday Branch came forward with more witnesses and wanted them examined; and Collamer, not suspecting any more witnesses would be examined, did not attend, and his attorney, being surprised, obtained a continuance.

At the December term, 1821, the cause was tried by Jury, and a verdict for the plaintiff for \$17 44 damages, and his cost taxed at \$60 63. The defendant filed a motion for a new trial, but it was not granted, and the Court rendered judgment on the verdict and issued execution, and the defendant gave a jail-bond, and forfeited the same.

At June term, 1822, the bond was sued, and the cause was continued.

At the December term, 1822, the defendant petitioned the Court for a new trial, which petition was continued, but judgment was rendered against the defendants on the bond, and the execution was issued, and paid.

At the June term, 1823, the Court granted the defendant a new trial.

At the December term, 1823, the defendant was at Court with 15 or 20 witnesses, a number of days; but the plaintiff, on account of one of his witnesses being sick, as was stated, obtained a continuance.

At the June term, 1824, the parties attended Court six days, with about fifty witnesses, and had a trial; but the Jury were unable to agree upon a verdict.

The following appeared to be the material facts in the

case:—One Azel Harriman being indebted to one Robert Palmer, for which Palmer agreed to take a gun in payment. The defendant being a gun-smith, was applied to by Harriman for a gun of the value of sixteen dollars. The defendant agreed to make him a gun by a given day, on conditions that Harriman would pay him five or six dollars in cash or gun locks, and secure him for the balance when he took the gun. Harriman and Palmer called once or twice, and the gun was not ready. At one time when Harriman and Palmer called for the gun, the plaintiff was in the shop and offered to lend the defendant his gun, if the defendant would make him another before June training, which the defendant, after considerable persuasion from Harriman and Palmer, agreed to do, in case his health would admit of it. It appeared that the plaintiff's gun was worth from eight to ten dollars, and it appeared that the defendant, when he gave Harriman and Palmer leave to take the plaintiff's gun if it suited them, did not expect it would suit them, any more than a *mullen-stock* or a *brier* would; but Harriman being poor, Palmer was willing, and did take the plaintiff's gun at sixteen dollars. It did not appear that the plaintiff knew that Harriman was to secure the defendant at the time he took the gun, although the presumption was strong that he was not ignorant of it. The defendant contended that he was not bound to deliver the gun to any one until the pay and security was made according to the contract made with Harriman. A few days before the sitting of the December term of the Court, 1824, the parties agreed to submit the cause to Jeremiah Barton, Jonathan Holmes, and Thomas Smith, Esq's, and to abide the award, and to have but five witnesses on each side. The arbitrators awarded that the defendant should pay the cost to the plaintiff, amounting to \$139. It is presumed that *one thousand dollars would not pay the expense of the parties in this suit!*

JOSEPH WHEELER

vs.

SEYMOUR SELLECK, Jr.

} Addison County, Vermont.

This action was commenced in the County Court, at June term, 1817, for fraud in the sale of a horse. At December term it was tried, and a verdict found for the plaintiff to recover \$80 damages, and his cost taxed at \$57 08. The defendant reviewed. At June term, 1818, the Jury found a verdict for the defendant, and the plaintiff reviewed. At De-

ember term, 1818, the cause was again tried, and the Jury found a verdict for the defendant to recover his cost, taxed at \$124 71. Exceptions were filed and a new trial granted, and during the sitting of the Court at June term, 1819, the suit was compromised by the defendant's paying to the plaintiff \$10; and each party to pay his own cost.

The cost of both parties was about seven hundred dollars!

JEREMIAH DAY }
 vs. } Addison County, Vermont.
 CLARK WARNER }

This was an action for assault and battery, commenced in the Supreme Court, January term, 1821. The cause was tried at January term, 1822, when the Jury returned a verdict for the plaintiff of \$16 09 damages, and his cost, and the plaintiff reviewed. The cause was again tried at the January term, 1824, and the Jury gave a verdict for the plaintiff for \$25 damages and his cost, taxed at \$98 52.

At the trial, the following facts appeared from a "host of witnesses"—that Day and Warner both laid claim to a certain public lot of land in the town of Addison.—Warner had chopped a quantity of wood for the purpose of drawing away, and Day went to loading the same wood, and while loading it, Warner struck him with a large side spike, or handspike, which so disenabled him as to cause him to keep his house about a week. On the subject of damages the Jury were divided—about half of the Jury were in favor of nominal damages—others were for giving him pay for his week's confinement, while two or three were for giving exemplary damages. From the number of attorneys employed, and an uncommon number of witnesses, *the cost to the parties could not have been less than five hundred dollars!*

CALVIN FRENCH }
 vs. } Supreme Court,
 JAMES SMITH and } Windsor County, Vermont.
 JAMES SMITH, JUN. }

This is an action now pending in Court, and was brought to recover damages, for the prosecution of a malicious suit without probable cause, on the following statement of facts: James Smith, Jun. offered himself as a school-teacher in the town of Cavendish, and in the district in which French lived, and was accepted.—French, who had been expecting to

instruct the school himself, was not well pleased with Smith's teaching the school, which created an animosity between them. While Smith was employed in the school, he lost a surveyors' rule, or scale, worth 75 cents or a dollar. Two or three years subsequent, French was instructing a school in Reading, and having a surveyors' rule, or scale, which bore some resemblance to the one Smith had lost, he was apprehended by the defendants, for stealing the scale in question. On the trial, he proved where he got the scale, and he was honorably acquitted, upon which French bro't this suit. In the first Court, French recovered upwards of \$300 damages, and since that, which is two or three years, the Jury have been unable to agree upon a verdict. At the last trial there was 62 witnesses, which occupied the Court five or six days. *The cost of the parties, is now, about three thousand dollars!*

Hutchinson, Cushman, Hatch, Hubbard, and Fletcher for the plaintiff.

Chase, Marsh, Everett, Washburn, and Walker for the defendants.

THE LAW.

The Emperor of Morocco's Ambassador, in the reign of Charles the Second, visiting among other places, Westminster Hall, asked his interpreter, "What was the profession of the gentlemen walking up and down in it?" who replied, 'the law.' The ambassador seemed alarmed at the reply; and shaking his head at the vast number of professors, said, "that in his master's dominions, although infinitely more extensive, there were but two of that profession allowed, one of whom the Emperor had been obliged lately to hang, to preserve peace and good humor among his subjects; and the other he always kept chained up to prevent his doing mischief." What would have been the sentiments of that ambassador in these times, when, for every single lawyer there, there are now at least fifty?



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1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in the context of public administration and financial management. The text notes that without reliable records, it becomes difficult to track expenditures, identify inefficiencies, and ensure that funds are being used for their intended purposes.

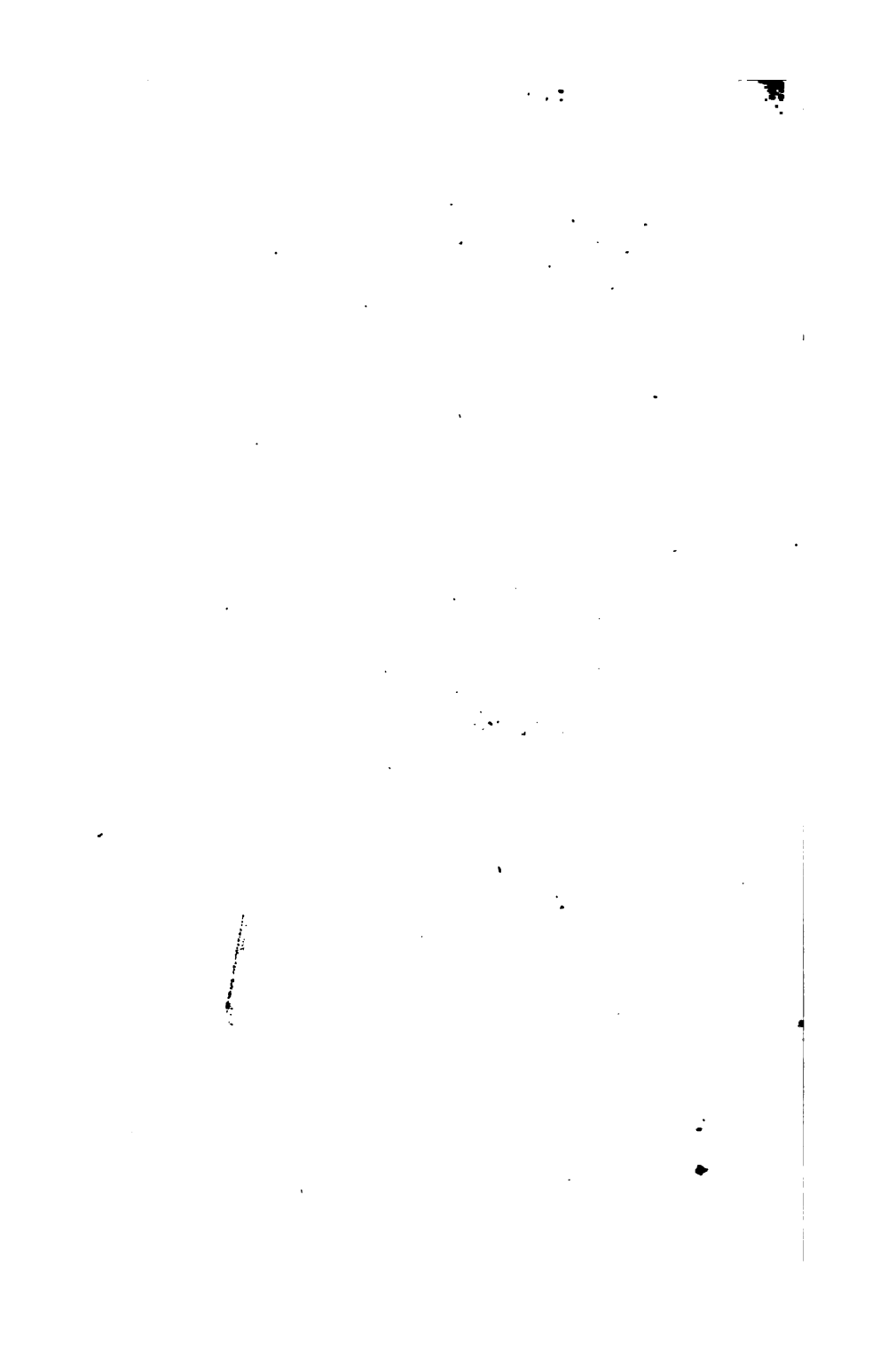
2. The second part of the document addresses the challenges associated with data collection and analysis. It highlights that gathering accurate and complete data can be a complex and time-consuming process, especially when dealing with large-scale operations or multiple stakeholders. The text suggests that investing in robust data management systems and training personnel in data handling techniques can significantly improve the quality and reliability of the information collected.

3. The third part of the document focuses on the role of technology in enhancing operational efficiency. It discusses how modern software solutions, such as enterprise resource planning (ERP) systems and data analytics tools, can streamline processes, reduce manual errors, and provide valuable insights into organizational performance. The text encourages the adoption of these technologies, while also noting the importance of ensuring that they are implemented correctly and that staff are adequately trained to use them.

4. The fourth part of the document discusses the importance of regular communication and reporting. It states that keeping stakeholders informed about progress, challenges, and achievements is crucial for building trust and ensuring that everyone is working towards the same goals. The text recommends establishing clear communication channels and schedules for regular reports, and emphasizes the need for transparency in sharing both good news and areas that need improvement.

5. The fifth part of the document concludes by summarizing the key points discussed and reiterating the overall message that effective management and record-keeping are essential for the success of any organization. It encourages a proactive approach to identifying and addressing potential issues, and stresses the importance of continuous learning and improvement. The text ends with a call to action, urging all involved parties to take responsibility for their roles and contribute to the overall success of the organization.

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